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Living without a passport

The situation of stateless people in Germany



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At a glance

- The number of people with no or with undetermined nationality living in Germany has risen sharply in recent years, especially in the period since 2014.
- Nevertheless, very little is known about these two groups of people and they are seldom the subject of public or political debate.
- Both groups are regarded as especially vulnerable and face huge barriers when it comes to participation and exercising their rights. As a rule, a residence title is decisive when it comes to determining a person's legal status. But people in the above-mentioned groups often have no or only a temporary residence title.
- While the legal status of stateless people is regulated in international treaties, that of people with undetermined nationality is not. "Undetermined nationality" is not a legal term but merely a working concept. Nevertheless, the barriers to recognition as a stateless person are high, not least since there is as yet no transparent and systematic administrative procedure in place. That is why many people cannot get their statelessness officially recognised and remain in the limbo of the insecure status of a person with undetermined nationality. Many of them are even born with that status.
- Both groups deserve more attention. The goal must be to reduce the cases of stateless people and people with undetermined nationality in Germany and to avoid new cases. To achieve that goal, awareness needs to be raised among politicians, society and business about how to deal with these two groups of people.

Executive summary

Most people take the fact that they hold a particular nationality for granted. Having a nationality means that a person belongs to a particular state and that there are certain reciprocal rights and obligations in relation to that state. The situation is different for people who are either not recognised as the nationals of any state under the law of that state or whose nationality is classified as "undetermined". This phenomenon has existed since the rise of the nation-state. It has gained in significance in Germany in the context of the refugee movements in the period since 2014. That is because, first, some of the stateless people who came to Germany had first stayed in other countries (e.g. ethnic Kurds and Palestinians who had previously spent some time living in Syria or Lebanon). Second, other refugees have difficulty proving their nationality or identity. **However, very little is as yet known about both these groups. They are seldom the subject of public or political debate, even though they are especially vulnerable owing**

to the huge barriers they face when it comes to participation and exercising their rights and because the international community regards statelessness as undesirable.

This baseline situation prompted the scientific staff of the Expert Council on Integration and Migration (SVR) to put the spotlight on these population groups and to analyse their socio-demographic composition and legal status. **According to this analysis, in 2022 there were some 29,500 people living in Germany who were stateless and some 97,000 with undetermined nationality.** In 2021, around six in ten people in both groups were men; their average age was lower than that of the comparable group of foreign nationals. However, it is not only migrants or refugees who can be stateless or have undetermined nationality. Parents pass this status on to any children who are born in Germany. **In total, some 16 per cent of recognised stateless people were born in Germany and are thus classed as "second-generation stateless"; that figure rises to 32 per cent among people with undetermined nationality.** There are

various situations in which it may be necessary to determine whether a person is stateless or not, for example as part of an asylum application, a naturalisation process, deportation or when applying for a travel document for a stateless person. Whether someone is classed as “stateless” is a determination which has to be made by the relevant foreigners authority in the course of an administrative procedure. However, Germany does not yet have a specific, legally regulated procedure for recognising or determining statelessness and administrative practice in that regard is inconsistent and confusing.

Generally speaking, it is a person’s residence title which determines their legal status in Germany. **However, statelessness does not automatically lead to a person being granted a residence permit. Many stateless people have either no or only a temporary residence title.** The proportion of people who have no residence permit – 30 per cent – is especially high among those with undetermined nationality.

The large number of people with no or with undetermined nationality, the large proportion of children

born in Germany with undetermined nationality, the long time they spend holding that insecure status and the obstacles to recognition of their statelessness show that Germany still has some catching up to do when it comes to compliance with international treaties and that greater attention should be paid to these two groups. That applies all the more given that the “undetermined nationality” status of those born in Germany also has a marked impact by limiting their opportunities for participation. At the same time, any attempts to simplify the process which are aimed at achieving the objectives set out in international law must take account of security-related aspects and the false incentives which can be linked to undetermined nationality or even identity.

1 Stateless people and people with undetermined nationality: Two neglected population groups¹

Stateless people are defined as those who are “not considered as a national by any State under the operation of its law” (Article 1 (1) of the 1954 Convention Relating to the Status of Stateless Persons, or 1954 Convention). There are various reasons why a person may be stateless. They may either not have been granted a nationality at birth (e.g. if their parents already had no nationality)² or they may have lost their nationality later in life without having acquired a new one (Hoffmann 2017: 325).

Where the authorities have determined and recognised a person’s statelessness, they are referred to as “de jure stateless”. A person who cannot furnish proof of their nationality is classed by the authorities as a person “with undetermined nationality”, that is while their statelessness has not (yet) been recognised. This classification is primarily applied when there are indications that a person is a national of a state but lacks sufficient reliable proof of that fact (e.g. a passport or ID card). There are many reasons why a person may not have any documents. They may have been lost en route to the destination country, may have deliberately been left behind or destroyed. However, a person may also have no identity papers owing to their country of origin’s lack of willingness to cooperate, on account of unreasonable obstacles to getting documents re-issued, owing to their birth not having been registered or mistakes being made by the authorities in the country of destination (Farinha 2022; Wattenberg 2022). Unlike in the case of officially recognised stateless people, the classification “undetermined nationality” is not a legal term which is regulatory in nature and which has

any legal consequences. Rather, this wording is only an expression of a provisional working concept, while actual statelessness first needs to be determined by the relevant local foreigners authority in an administrative procedure (Hoffmann 2017: 329).

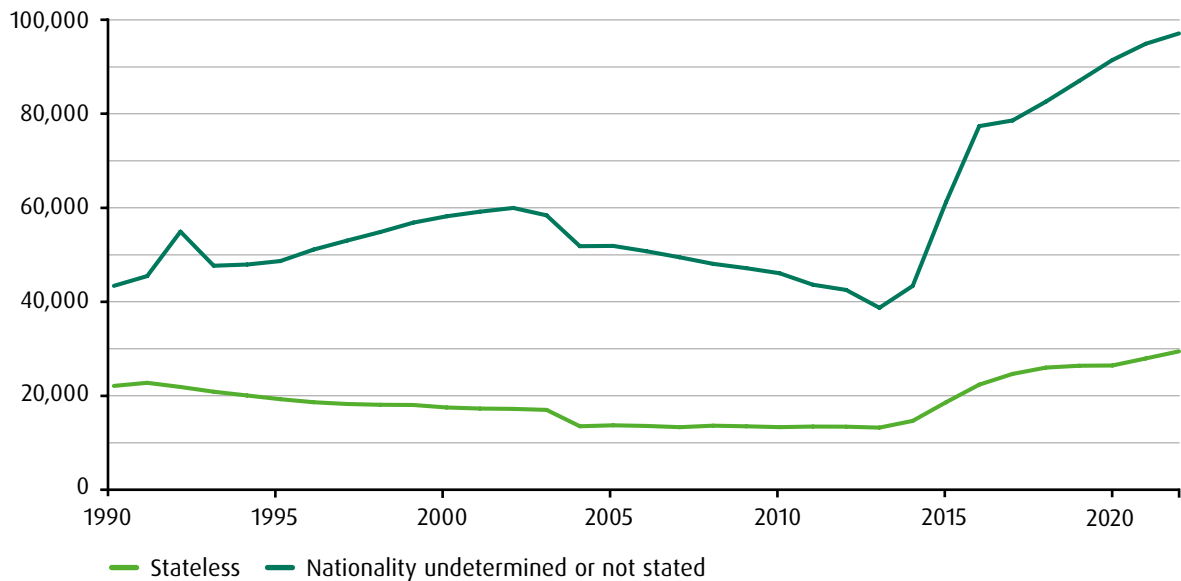
It is especially the large refugee movements in the period since 2014 which have led to a marked increase in the number of people with undetermined nationality living in Germany. While back in 2014 the nationality of some 43,000 people was undetermined, that number more than doubled to some 97,000 in 2022. The number of stateless people also doubled in the same period, from some 15,000 to 29,500 (Figure 1).

Our understanding of these two groups of people is very limited beyond these numbers taken from official registers, and they are seldom the subject of public or political debate. Only few findings are yet available for Germany regarding the demographic structure and socio-economic features of these groups. Little is known about their legal situation and how they are dealt with by the administrative authorities, and hardly any scholarly research is being done on the everyday challenges they face and their opportunities to participate. Yet, both groups are regarded as especially vulnerable, as they face huge barriers when it comes to participation and exercising their rights (Wattenberg 2022). For instance, they have no voting rights whatsoever, often have no access to travel and identity documents, they face huge barriers when it comes to naturalisation and lack diplomatic protection by a state in dangerous situations and exceptional circumstances, for example. Again and again they face difficulties doing those things which are a matter of course or commonplace for nearly everyone else living in Germany, including opening a bank account, filling in online forms or

1 This Policy Brief was supervised by Prof. Dr Winfried Kluth, Member of the Expert Council on Integration and Migration (SVR). Responsibility for the publication lies with the scientific staff of the Berlin Office of the SVR. Arguments and conclusions do not necessarily reflect the opinion of the SVR. The “Statelessness in Germany: Scope, Socio-demographics and Administrative Procedures” project is funded by the Robert Bosch Stiftung.

2 Under the nationality laws of some countries, children may be born with no nationality because nationality cannot simply be passed on from mother to child. Under the Syrian law on nationality, for instance, mothers can only pass their own nationality on to a child if that child is born on Syrian territory. Following the large refugee movements, some children who were born outside of Syria are therefore at risk of being stateless (Rosa Luxemburg Foundation 2020: 28–29, 60).

Figure 1 Stateless people and people with undetermined nationality in Germany, 1990–2022



Source: Federal Statistical Office 2023a; Federal Statistical Office 2023b; calculation and presentation: scientific staff of the SVR

travelling. Existing structures reach their limits here, because in most cases a person will have to state their nationality in these situations and no other options are available. As a result, those concerned are excluded from these areas.

Holding a nationality is the precondition for many rights and in many cases determines a person's legal status. That is why the international community regards statelessness as undesirable and why international treaties have been adopted in relation to legal status and to the avoidance and reduction of statelessness (see 3 below). In view of the increasing empirical relevance of this phenomenon in Germany, it is important to reduce cases of statelessness and undetermined nationality wherever possible. To do that, awareness needs to be raised among politicians, society and business about how to deal with these two groups of people.

2 Socio-demographic composition

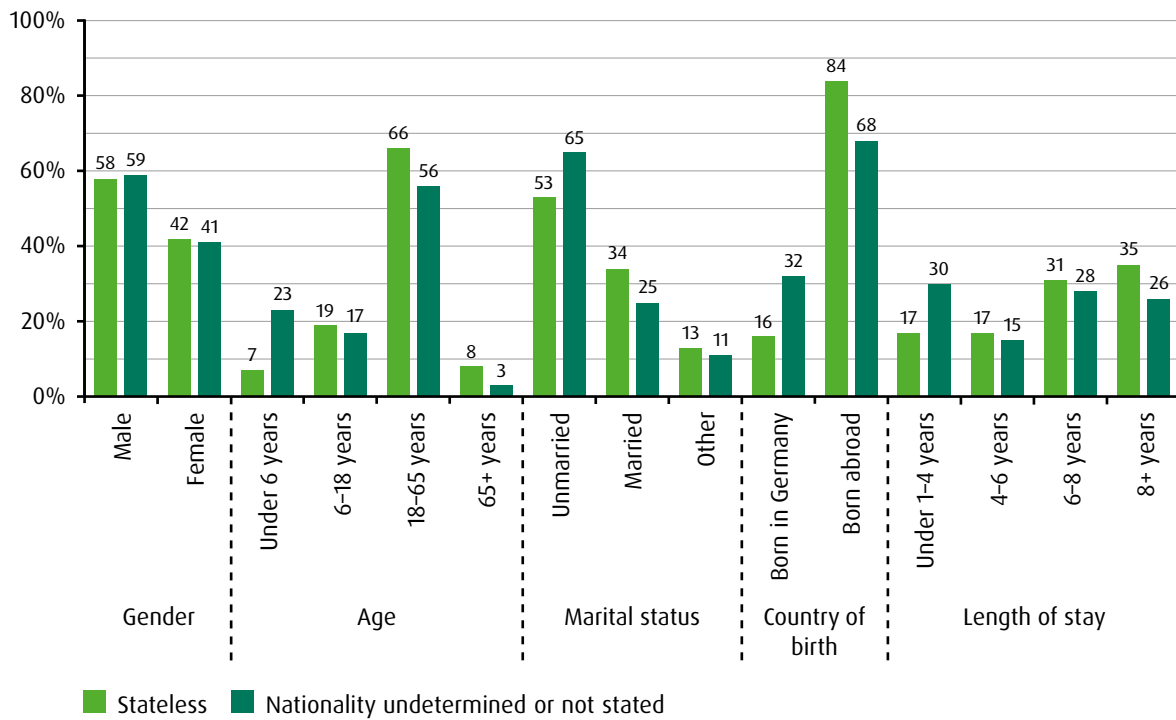
The number of people who are classed as "stateless" is estimated to be around 10 million worldwide (Rosa Luxemburg Foundation 2020: 11), although only four million of them are officially registered as stateless with the United Nations High Commissioner for Refugees (UNHCR).³ According to the Federal Statistical Office, some 28,000 people in Germany were classed as stateless in 2021 and around 95,000 as people with undetermined nationality. Taken together, the two groups make up around one per cent of the foreign population (Federal Statistical Office 2022).⁴

The share of men in both groups – 58 and 59 per cent respectively – is higher than that of women – 42 and 41 per cent respectively – and is thus higher than the share of men in the total foreign population (53%). By far the most people are aged between 18 and 65 years (66% and 56% respectively); there are also many children below the age of six years who

³ See www.unhcr.org/refugee-statistics/download/?url=WV7gi0 (07.03.2023).

⁴ The numbers cited in the following sections refer to 2021. Only a few isolated data are as yet available for 2022 (see Federal Statistical Office 2023a) and these were cited in section 1.

Figure 2 Socio-demographic composition of the population group of people with no (determined) nationality (in %)



NB: The marital status “Other” encompasses people who are widowed or divorced and people whose marital status is unknown.
 Source: Federal Statistical Office 2022; calculation and presentation: scientific staff of the SVR

have undetermined nationality (23%) (Figure 2). There is an above-average number of young people in both groups, but especially in the group of people with undetermined nationality. The average age of stateless people is around 34 years, of those with undetermined nationality 26 years.⁵ Although the majority are of working age (between 15 and 65 years), only 4,176 and 13,702 people respectively are in jobs with full social security coverage; in late 2020 a total of 4,190 and 4,743 people respectively were registered as unemployed (Federal Employ-

ment Agency 2021: 6).⁶ As for marital status, more than half of stateless people (53%) and almost two thirds (65%) of those with undetermined nationality are unmarried. Just over a third (34%) of stateless people and a quarter (25%) of those with undetermined nationality are married (Figure 2). That means there are considerably more unmarried people in both these groups than there are in the foreign population overall.⁷

However, not only migrants and refugees can be stateless, since statelessness can be passed on by

5 At 37.6 years, the average age of the foreign population was significantly older (Federal Statistical Office 2022).
 6 There may be various reasons for this. First, many people only have an insecure residence status, making access to the labour market more difficult or impossible. Second, owing to the comparatively short time they have been in Germany (see fn. 8), many people may still be busy taking language classes and in the process of adjusting their qualifications and are therefore not yet available to the labour market.
 7 Only some 43 per cent of the foreign population are unmarried (Federal Statistical Office 2022). There are presumably various reasons for the small proportion of married people in this group. First, the people in this group are, on average, much younger. Second, they may also have difficulties getting hold of the documents they need on account of their statelessness or undetermined nationality.

parents to any children who are born in Germany.⁸ A total of around 16 per cent of recognised stateless people were already born in Germany and are thus classed as “second-generation stateless”; that number rises to 32 per cent in the case of those with undetermined nationality (Figure 2).⁹ Two thirds (66%) of stateless people and more than half (55%) of those with undetermined nationality have been living in Germany for six years or more¹⁰ – which is why they could not (or did not want to) get their status clarified for quite a long time. It is thus in particular people with undetermined nationality who hold on to that status for many years, possibly even over an entire lifetime, although it is only supposed to be a temporary status and does not confer any legal status, and they even pass it on to subsequent generations (Farinha 2022: 800).

3 Legal status of people with no and with undetermined nationality

Under Article 15 (1) of the Universal Declaration of Human Rights, everyone has the right to a national-

ity. Nevertheless, across the world and in Germany, too, there are many people who are denied that right (see 2 above). In 1954 the United Nations adopted the Convention Relating to the Legal Status of Stateless Persons (1954 Convention) to regulate and improve the legal status of those concerned.¹¹ The United Nations Convention on the Reduction of Statelessness was then adopted in 1961, the Convention to Reduce the Cases of Statelessness in 1973. Germany is a signatory to all three conventions. The Act to Reduce Statelessness of 1977 (*Gesetz zur Verminderung der Staatenlosigkeit*, *StaatenlMindÜbkAG*) transposed the latter two conventions into domestic law (Research Services of the German Bundestag 2019: 3).¹² As a result, Germany is under the obligation to apply these treaties to stateless people and, for instance, to accord stateless people the same treatment as foreigners generally (Article 7 (1) of the 1954 Convention), to facilitate their naturalisation (Article 32 of the 1954 Convention)¹³ and to issue a travel document for stateless people if they are staying lawfully in the country (Article 28 of the 1954 Convention).

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- 8 Since 2000, the principle of descent (*jus sanguinis*) is not the only available option in Germany, although the principle of birthplace (*jus soli*) is only of limited scope as it is linked to certain conditions (section 4 (3) of the Nationality Act (*Staatsangehörigkeitsgesetz*, *StAG*)).
- 9 A total of 260 children were born stateless and 6,045 children were born with undetermined nationality in 2021 (Federal Statistical Office 2022). Germany thus is second in the list of countries of birth of stateless people born in Germany; Syria tops the list, with nearly 50 per cent (Federal Statistical Office 2023a).
- 10 The average length of stay in the case of stateless people is 14 years, in the case of those with undetermined nationality 9.5 years. Average length of stay in the latter group in particular is thus well below the average in the foreign population, which is 15.6 years (Federal Statistical Office 2022).
- 11 However, Germany entered two reservations to the Convention. First, Article 23 only applies to people who are also classed as “refugees” within the meaning of the Convention of 28 July 1951 on the Legal Status of Refugees. Second, Article 27 does not apply (Federal Law Gazette 1976 II, p. 473).
- 12 Further, Germany is a signatory to the European Convention on Nationality (entering a reservation regarding the loss of nationality in certain circumstances), but not to the European Convention on the Avoidance of Statelessness in Relation to State Succession.
- 13 Thus, people who are born stateless in Germany who have been staying lawfully and permanently in Germany for five years can apply for naturalisation if they have not been convicted by final decision to a term of imprisonment or youth penalty of five years or more and they file their application before their 21st birthday (Article 2 of the Act to Reduce Statelessness). According to a ruling by the Federal Administrative Court (Federal Administrative Court, Order of 23.02.1993, 1 C 45.90, *InfAuslR* 1993, 268), the Convention does not of itself provide a legal basis and merely assists in interpreting the Act to Reduce Statelessness (Oberhäuser 2016: margin note 1). However, Oberhäuser argues that the Act may possibly impose greater requirements in relation to the “staying lawfully” criterion than the Convention on which it is based. Owing to the principle of behaviour which accommodates international law, according to Oberhäuser the Act can, however, not impose any further restrictions – e.g. as regards the lawfulness of a person’s stay – than is provided for under the 1961 Convention. Therefore, the treaty would have to be interpreted in conformity with international law such that the statutory right already exists if the other conditions are met even if a person’s stay has only been permanent but not lawful (see Oberhäuser 2016: margin notes 9 and 10). Taking account of Article 32 of the 1954 Convention, stateless people can also be naturalised after only six not eight years if they fulfil the conditions (Federal Office for Migration and Refugees 2020: 81; provisional application notes issued by the Federal Ministry of the Interior on the Nationality Act, 8.1.3.1).

Residence title

The decisive criterion when it comes to determining a third-country national's legal status in Germany is their residence title. The same goes for people with no or with undetermined nationality.¹⁴ However, being recognised as stateless in Germany does not automatically lead to the granting of a residence permit, especially not in the case of people whose nationality is regarded as undetermined. Even after recognition, there are various statutory provisions of which account needs to be taken before a residence permit can be issued.

More than half of all stateless people (58%) and of those with undetermined nationality (52%) only have a temporary residence title in Germany, primarily on international law, humanitarian or political grounds¹⁵ (Figure 3).¹⁶ The overwhelming majority of them are ethnic Kurds and Palestinians who first spent some time living in Syria or Lebanon (Federal Office for Migration and Refugees 2020: 81; Hoffmann 2017: 327). A considerably smaller share of temporary residence title are issued to these groups on family grounds (26% and 25% respectively), only a small

proportion for the purpose of undergoing training or for work purposes (Figure 3).

Almost a third (30%) of those people whose nationality is undetermined have no residence permit, that is in most cases their deportation has been suspended or they are permitted to stay while their asylum procedure is still ongoing.¹⁷ A general condition for the issuing of a residence permit is that a person's identity and, if that person is not entitled to return to another state, their nationality has been determined (section 5 (1) of the Residence Act (*Aufenthaltsgesetz*, *AufenthG*)).¹⁸ It is therefore especially people with undetermined nationality who often remain in the limbo of their deportation being suspended. As a result, two thirds of stateless people and more than one in eight people with undetermined nationality have no secure residence permit or are living in Germany because their obligation to leave has (only) been temporarily suspended. Only nine per cent of those with undetermined nationality and 21 per cent of stateless people have a permanent residence title and thus a secure residence status (Figure 3).

14 Seven different kinds of residence title can be issued in Germany which can be divided into temporary and permanent, each with different legal consequences: a temporary residence permit, an EU Blue Card, an ICT Card, a Mobile ICT Card, an EU long-term residence permit, a permanent settlement permit and a visa (section 4 (1) of the Residence Act (*Aufenthaltsgesetz*, *AufenthG*)). Besides, people may also remain in Germany if their deportation is temporarily suspended (known as *Duldung*), that is they are required to leave the country but their deportation is temporarily suspended on legal grounds (ban on deportation under section 60 (2) to (7) of the Residence Act or a breach of fundamental rights under Article 1, 2 or 6 of the Basic Law (*Grundgesetz*, *GG*)) or on factual grounds (lack of a passport or general refusal by their country of origin to take them back). In addition, a certificate confirming permission to stay may be issued (*Aufenthaltsgestattung*), entitling a person to remain in Germany for the duration of their asylum procedure. However, this does not constitute a residence title as such, since it only certifies that a person is staying lawfully in the country for the duration of the asylum procedure, that is until a decision is taken on their asylum application.

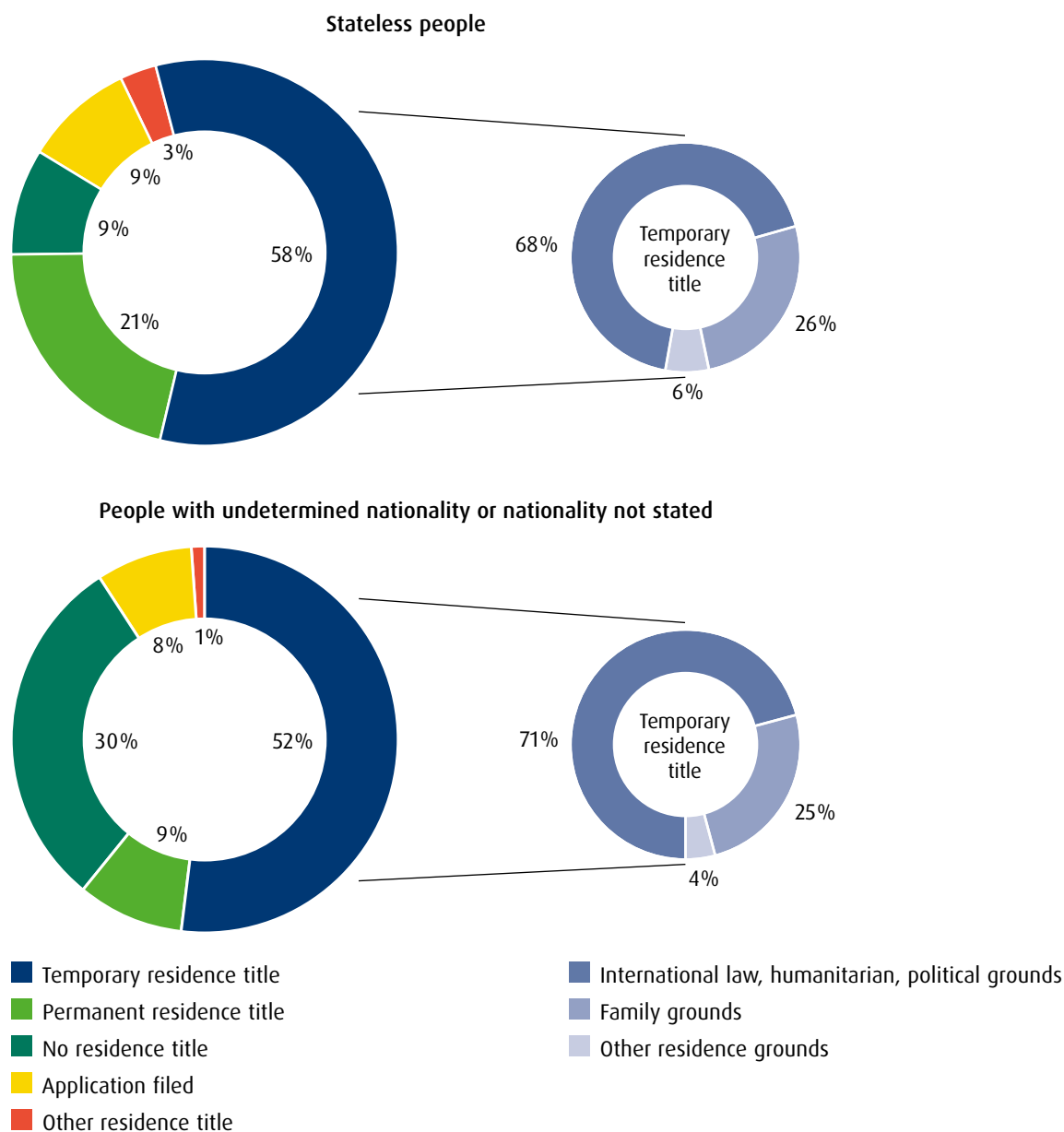
15 This residence permit is generally issued to people who are recognised as refugees (under section 3 of the Asylum Act (*Asylgesetz*, *AsylG*)), as having the right of asylum (under Article 16a of the Basic Law) or as enjoying subsidiary protection (under section 4 of the Asylum Act) or against whom a ban on deportation has been issued under domestic law (under section 60 (5) and (7) of the Residence Act). However, even people who are officially recognised as stateless may be eligible for a residence permit on humanitarian grounds following a lawful stay on German territory on the basis of a permanent obstacle to their deportation owing to their statelessness (section 25 (5) of the Residence Act) (Wattenberg 2022). Undetermined nationality is a specific challenge especially in the context of asylum migration, because it creates various problems in regard to naturalisation, asylum law and the temporary suspension of deportation (Hoffmann 2017: 330–331). Statelessness does not in itself constitute a ground for asylum unless it is based on persecution. If a person's re-entry is denied on account of a lack of nationality, this is not regarded as a reason for persecution.

16 By comparison, 22 per cent of the foreign population held a temporary residence title in 2021. In addition, 44 per cent have a residence permit on international law, humanitarian or political grounds, that is considerably fewer than the number of stateless people or people with undetermined nationality (Federal Statistical Office 2022).

17 By comparison, only eight per cent of the foreign population have no residence permit (Federal Statistical Office 2022).

18 When investigating a person's nationality, their (presumed) country of origin always needs to cooperate. The German authorities can assume what a person's nationality is, but that is irrelevant if it has not been officially confirmed by the (presumed) country of origin. This makes the process more complicated. And it indicates the key distinction compared to the process of establishing a person's identity, which does not require recognition by the (presumed) country of origin.

Figure 3 Residence titles of stateless people and people with undetermined nationality in Germany in 2021



NB: "Other residence title" includes the categories "Exempt from residence permit requirement; homeless foreigners" and "Right of residence based on freedom of movement". The category "No residence title" encompasses all those people whose deportation has been suspended, those issued with a certificate confirming permission to stay (*Aufenthaltsgestattung*) and all those without any legal basis whatsoever to stay. The few categories encompassed by "Other residence grounds" includes those staying for the purposes of work and training and those with special residence rights.

Source: Federal Statistical Office 2022; calculation and presentation: scientific staff of the SVR

From undetermined nationality to recognised statelessness

There are various situations in which it may be necessary to establish a person's nationality, for example in the context of an asylum application, a naturalisation process, deportation or when issuing a travel document for a stateless person. In the course of, for example, an asylum procedure (section 15 (2) sentence 6 of the Asylum Act (*Asylgesetz*, AsylG)) and a naturalisation procedure (section 37 (1) of the Nationality Act (*Staatsangehörigkeitsgesetz*, StAG) in conjunction with section 82 (1) of the Residence Act), a foreigner is required to cooperate in establishing their own identity and nationality. Whether a person is to be classed as "stateless" is to be determined by the relevant foreigners authority in the course of an administrative procedure. However, unlike other countries (see UNHCR 2016: 16–18 for an overview), Germany does not have a recognition procedure which has been developed specifically to that end and is regulated by law, and administrative practice is also regarded as inconsistent and confusing (Hoffmann 2017: 334).¹⁹ Thus, the procedure varies from federal state to federal state, and even from one authority to another.²⁰ In some cases, foreigners are required to apply to the relevant authorities or embassies to have their nationality established. In many cases, however, people cannot or do not want to contact the authorities in those countries in which they have previously stayed. This is especially true of people seeking protection. The situation is further complicated by the fact that identity documents often expire before refugees reach their country of destination, can be lost either before they leave or en route, or can be confiscated from refugees (Ferreri 2022: 822). Nevertheless, the law does permit account to be taken of unreasonableness, for instance in the case of the politically persecuted, who are not to be required to contact that state which is persecuting them while the asylum procedure is ongoing. In other cases, especially where people are seeking protec-

tion from war, official archives may also have been destroyed or the administrative system in the country of origin may no longer be fully functional, or only to a limited degree, making it difficult or even impossible to get proof of nationality. Besides, the relevant foreigners authorities may also not always be willing to cooperate. Some, for example, tend not to respond to requests made by (alleged) stateless individuals, but only to official enquiries, which makes the burden of proof and obligation to cooperate much more complicated (Gerbig 2021).

For many foreigners, furnishing proof of something which does not exist thus poses a huge challenge and can take many years. Especially in the case of people who are entitled to protection and asylum this can end up leading to unintended and even paradoxical consequences. For instance when people in the asylum procedure are asked or need to procure new documents, but they cannot contact their embassy and they are, in fact, not permitted to do so under German law, as otherwise their entitlement to protection lapses (Farinha 2022: 803; Ferreri 2022: 826).

Besides, key importance is attached both in practice and in court rulings to a stateless person's identity. In recent years the consistent past decisions of the German courts have considerably tightened the requirements made when clarifying a person's identity, making it practically impossible for a person to be recognised as stateless until their identity has been established (Hoffmann 2017: 334).

4 Conclusion: Strengthening the rights of stateless people and people with undetermined nationality

Statelessness and, in particular, undetermined nationality have become increasingly relevant in Germany, especially since the refugee movements since 2014. However, little attention is paid to this issue, even

¹⁹ If no specific rules apply, then the provisions of the Administrative Procedure Act (*Verwaltungsverfahrensgesetz*, VwVfG) apply.

²⁰ There are no uniform regulations or administrative provisions when it comes to determining or dealing with statelessness. The General Administrative Provision on the Residence Act (*Allgemeine Verwaltungsvorschrift zum Aufenthaltsgesetz*) of 26 October 2009 contains a few (vague) references to the taking of evidence and the obligation to cooperate when it comes to procuring documents.

though those affected are especially vulnerable. **Officially recognised stateless people usually have the same rights and access entitlements in Germany as foreign nationals, and they also have special rights, for instance a preferential claim to naturalisation or travel documents. Nevertheless, though, many stateless people tend only to have a temporary residence title and the structures in place are not designed to deal with people with no nationality, which is why they still face huge barriers to participation. Naturalisation can also be linked to challenges, because a person's identity (and nationality) first needs to be established (section 8 (1) and section 10 (1) of the Nationality Act) and this often proves extremely difficult in practice or entirely impossible.** People with undetermined nationality whose statelessness has not (yet) been determined are also usually not accorded these rights, meaning that for them the barriers are even higher.²¹

Although Germany is a signatory to the conventions on the legal status of stateless people and on the reduction of statelessness and has transposed them both into German law, the statistics presented in sections 2 and 3 above show that it still has some catching up to do. **Germany currently does not comply with all the requirements of the conventions.** Children are still being born with no or with undetermined nationality, meaning that there are many people living in Germany with undetermined nationality in the second generation. A large proportion get stuck in that insecure situation over many years. This shows that although stateless people now have easier access to German nationality, in practice the system is not yet working properly. **In addition, the obstacles to recognition as a stateless person are very high because there is no transparent and systematic recognition procedure in place.** Empirical insights into current administrative practice are still lacking, though.

This shows the conflicting priorities which political decision-makers are faced with, given that they are confronted with various simultaneous challenges. **On the one hand, those procedures put in place in order to achieve the goals set under international law need to be simplified. On the other hand, security-related aspects need to be taken into account and false incentives avoided.** Nevertheless, it is also important that the German Federal Government does not ignore the concerns of stateless people and people with undetermined nationality when planning its reform of the law on nationality. The following questions are important in that regard: Will the planned reform of the Nationality Act have any repercussions for stateless people and people with undetermined nationality? If so, what repercussions? Especially in view of the lack of a standard procedure for recognising statelessness and the inconsistent and confusing administrative practice, the question arises of whether it is possible to take any workable reform steps towards putting in place a standardised and efficient administrative procedure for determining statelessness so that Germany can move closer to achieving the objectives of the relevant international treaties. **The question also arises of whether it should be even easier for children born in Germany to acquire German nationality at birth if they would otherwise have no or only undetermined nationality.** One aspect which could be worth considering is permitting those children whose parents have a humanitarian residence permit to be granted German nationality after a shorter duration of stay following the birth of a child (currently eight years).

²¹ For example, the Federal Administrative Court assumes that the 1954 Convention only applies to de jure stateless people (Decisions of the Federal Constitutional Court 87, 14). People whose deportation has been suspended, people staying irregularly and those without any official identity documents in particular are in a precarious situation and face huge barriers in everyday life. And yet, the final acts in the international treaties recommend that the benefits set out in the 1954 Convention should also be accorded to de facto stateless people or that this should be given favourable consideration.

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