

HUMAN RIGHTS OF STATELESS PEOPLE IN GERMANY



Statelessness in Germany

Issue 1 : Statelessness determination and access to rights

Implementation of previous recommendation

- *Burkina Faso: Establish a specific procedure to determine statelessness that would guarantee the protection of the rights provided in the 1954 Convention relating to the Status of Stateless Persons*

New Developments

- Germany stated that there is no need for a specific procedure to determine statelessness as procedures to establish identity and citizenship exist.
- Germany stated that recognition of statelessness alone does not lead to any rights.

Recommendations

Issue 1 : Statelessness determination and access to rights

We call upon reviewing states to recommend Germany to:

- Establish a national statelessness determination procedure and protection status in law and in line with good practice, to give full effect to the rights enshrined in the 1954 Convention to stateless people in Germany, including residence rights.
- Provide training to public officials on nationality and statelessness at all administrative levels, and ensure there is clear and accessible information for stateless people on how to access protection and regularise their status, as well as acquisition of nationality for otherwise stateless children born in Germany.

Statelessness in Germany

Issue 2 : Children's right to a nationality and to birth registration

Implementation of previous recommendation

- Ecuador, Philippines: *Guarantee the right of every child born in Germany to be registered, irrespective of their migration status or that of their parents*

New Developments

- Children of parents whose identity is not established receive an extract from the birth register, instead of a birth certificate.
- There is no procedure in place to determine the nationality status of a child born in Germany, leading to many children being recorded as having 'unclear nationality' for an undetermined period of time.

Statelessness in Germany

Issue 2 : Children's right to a nationality and to birth registration

New Developments

- The legal provision under the Nationality Act is conditional on the parents' residence status, which does not implement Germany's obligations under the 1961 Convention on the Reduction of Statelessness.
- As of 2022, there are 29.000 stateless children and children registered with unclear identity and nationality status born in Germany.
- The number of people registered as stateless in Germany has doubled since 2014.

Recommendations

Issue 2 : Children's right to a nationality and to birth registration

We call upon reviewing states to recommend Germany to:

- Amend nationality laws to ensure that all otherwise stateless children born in Germany automatically acquire a nationality at birth, in particular by removing the 'legal' residence requirement.
- Remove all practical barriers to birth registration and ensure that the status of parents does not prevent immediate registration.

Thank you.