



PRESS RELEASE

'Black box' administration: The practical handling of statelessness and undetermined nationality

More than 125,000 people in Germany live as stateless persons or with an undetermined nationality. As a state party to the Convention relating to the Status of Stateless Persons, Germany is obliged to identify people without nationality and grant them access to national and international rights. However, a standardised determination procedure does not yet exist in Germany. The procedures practised are complex and the handling is inconsistent. A study by the scientific staff of the Expert Council on Integration and Migration (SVR) describes the administrative practice of German authorities in dealing with the issue and shows how the status quo can be improved and how challenges can be overcome.

Berlin, 26 June 2024. Stateless persons and persons of undetermined nationality form a heterogeneous group: these include immigrants as well as people who were already born in Germany; a large proportion have a refugee background and not all of them have residence permits. "The paths taken by the people affected through the German authorities differ depending on their individual situation," explains Maximilian Müller, researcher at the SVR. "But one thing is always the same: determining statelessness is a time-consuming and complex process," says the author of the study.

In contrast to other EU countries such as France or Spain, Germany does not have a standardised and established determination procedure, as the exploratory study shows, which primarily focuses on the responsible immigration authorities - a major disadvantage for those affected and the administrative staff. "Authorities have different demands on the cooperation of those affected; the limits of reasonableness are defined inconsistently and decisions made by one authority are not necessarily binding for others," reports Maximilian Müller. "This often leads to uncertainty among those affected and the employees of the authorities themselves."

There are also other hurdles - such as a lack of cooperation from potential countries of origin or capacity bottlenecks at German authorities. "As a result, statelessness can often not be definitively established; the precarious status of "undetermined" remains a permanent condition. In order to prevent this, the legal and administrative regulations should be adapted. The number of people affected has risen in recent years, as has the need for action," says the SVR employee. While around 15,000 stateless people were registered in Germany in 2014, ten years later there are already 29,500. In the same period, the number of people whose nationality is unclear has risen from 43,000 to over 96,000.

Standardised regulations are needed to ensure that determination procedures are transparent. "Guidelines are needed: responsibilities, obligations to cooperate and the limits of reasonableness must be clearly defined," says study author Maximilian Müller. "For example, it could be specified how often those affected must contact the presumed country of origin to clarify any nationality and what waiting periods are appropriate. It should also be regulated how long a determination procedure may take in total."

Another important step is to centralise the process so that knowledge and action are pooled and resources are conserved. In Germany, this could be done at federal or state level. "Of course, this requires the political will to do so," explains Dr Jan Schneider, Head of Research at the SVR. "Asylum procedures could serve as a model: As the central authority, the Federal Office for Migration and Refugees would determine the statelessness of applicants. The decision would then be binding for all other authorities



in Germany." Alternatively, the SVR's scientific staff recommends bundling determination procedures at state level - for example at the central immigration authorities established in some states. At the very least, exchange forums should be set up or promoted in which all administrative bodies involved in the process can seek support.

However, a determination procedure to recognise statelessness is not useful for all groups. "People who were already born and raised in Germany should instead be given simplified access to German citizenship. However, this issue was not dealt with satisfactorily in the recent reform of the Citizenship Act," says Dr Schneider. "Therefore, improvements must be made at a sub-legislative level, ideally in the revision of the General Administrative Regulation on Citizenship Law. If this does not happen, the responsible Federal Ministry of the Interior and for Home Affairs should formulate its application notes on citizenship law accordingly." The Expert Council for Integration and Migration has also taken the view that children of recognised stateless persons who have lived in Germany for at least five years should automatically receive German citizenship at birth.

The study was conducted as part of the project 'Statelessness in Germany: Scope, socio-demographics and administrative procedures', which is funded by the Robert Bosch Stiftung. "The path from undetermined nationality to de jure statelessness depends both on the legal framework and on how the authorities and institutions deal with the situation," says Dr Raphaela Schweiger, Head of the Migration Programme at the Robert Bosch Stiftung. 'The qualitative interviews with employees of the authorities provide insights into how the authorities deal with statelessness and undetermined nationality, and the practice-oriented recommendations for action are valuable impulses for the further development of legal and administrative practice.

The SVR study and the press release are available for download here:

<https://www.svr-migration.de/en/publication/no-passport-nowhere/>

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About the Expert Council

The Expert Council on Integration and Migration is an independent and interdisciplinary body providing research-based policy advice. Its reports aim to assist those bodies responsible for integration and migration policy, as well as the general public, in their opinion-forming processes. The interdisciplinary Expert Council comprises a total of nine Researchers: Prof. Dr Hans Vorländer (Chairperson), Prof. Dr Birgit Leyendecker (Deputy Chairperson), Prof. Dr Havva Engin, Prof. Dr Birgit Glorius, Prof. Dr Marc Helbling, Prof. Dr Winfried Kluth, Prof. Dr Matthias Koenig, Prof. Sandra Lavenex, Ph.D., Prof. Panu Poutvaara, Ph.D.

The organisation's scientific staff support the Expert Council in its work and conduct their own applied research in the fields of integration and migration using a variety of discipline-specific and methodical approaches. Research findings are published in the form of studies, expert reports and policy briefs.

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