

Summary and recommendations related to the right to a nationality and statelessness in The Netherlands

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European
Network on
Statelessness



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Main Issues:

Data

Fully reliable data on statelessness in The Netherlands remains absent

Statelessness Determination Procedure (SDP)

SDP is not linked to acquiring a residence permit or protection status, not even for duration of the procedure.

'Option Procedure'

*Option procedure requires stable, principal residence for at least 5 years.
Decision depends on child AND parent's full cooperation with the authorities.*

Relevant recommendations previously made to The Netherlands

UPR, Third Cycle

'Expedite efforts to introduce a statelessness determination procedure and provide persons recognised as stateless with legal status and access to basic human rights, in full consultation with key stakeholders' (Haiti, Accepted)

A/HRC/36/15

Committee on the Rights of the Child

'Ensure that all stateless children born in its territory, irrespective of residency status, have access to citizenship without any conditions. In particular, the Committee recommends the Netherlands not to adopt the proposed requirement of parents' cooperation with the authorities'

CRC/C/NDL/CO/4, para. 33, Concluding observations on the fourth periodic report of the Netherlands

Proposed recommendations

1. Introduce additional safeguards in Dutch nationality law, policy and practice to ensure that stateless children born in the Netherlands acquire Dutch nationality in line with the obligations under the Convention on the Rights of the Child and the 1961 Convention on the Reduction of Statelessness.
2. Ensure that children born in the Netherlands have their nationality status determined and only remain registered as having 'unknown nationality' for the shortest possible period.
3. Make provision for an effective statelessness determination procedure in line with UNHCR guidance and good practice standards which automatically leads to the granting of a residence permit, at least for the duration of the procedure, and protects all rights under the 1954 Convention relating to the Status of Stateless Persons.