



**Immigrant Council of Ireland,
European Network on Statelessness and
Institute on Statelessness and Inclusion**

Joint Submission to the Human Rights Council at the
25th Session of the Universal Periodic Review

Ireland

21st September 2015

**Institute on Statelessness
and Inclusion (ISI)**
Gestelsestraat 134
NL – 5615 LJ Eindhoven
www.institutesi.org

**Immigrant Council of
Ireland (ICI)**
2 St Andrew Street
IRL – Dublin 2
www.immigrantcouncil.ie

**European Network on
Statelessness (ENS)**
253-254 Upper Street
UK – London N1 1 RY
www.statelessness.eu

**Immigrant Council of Ireland, European Network on Statelessness and
Institute on Statelessness and Inclusion**

Joint Submission to the Human Rights Council at the
25th Session of the Universal Periodic Review

Ireland

Introduction

1. With this joint submission to the 25th Session of the Universal Periodic Review (UPR) Working Group, which focusses specifically on the issue of statelessness and the human rights protection of stateless persons in Ireland, the **Immigrant Council of Ireland**, the **Institute on Statelessness and Inclusion** and the **European Network on Statelessness** set out what we consider to be ongoing challenges and short-comings related to Ireland's compliance with international human rights standards and the 1954 Convention relating to the Status of Stateless Personsⁱ and the 1961 Convention on the Reduction of Statelessness.ⁱⁱ
2. Although Ireland has long been a party to the UN conventions on statelessness and has general human rights obligations to prevent statelessness and to protect stateless persons, Ireland has not enacted any specific legislative or administrative measures to address the issue of statelessness, including the specific issue of childhood statelessness, and there is no formal determination procedure for statelessness in the country.
3. In addition, since 2004, the constitutional right of persons born in Ireland to Irish citizenship has been limited to persons who, at the time of their birth, had at least one parent who was an Irish citizen or entitled to be an Irish citizen.ⁱⁱⁱ However, the Irish Nationality and Citizenship Act 1956 provides that a person born in Ireland is an Irish citizen from birth "*if he or she is not entitled to citizenship of any other country*"; in addition, the 1956 Act gives the Minister for Justice the power to dispense with the conditions for naturalisation in certain cases, including cases involving stateless persons. While theoretically the 1956 Act provides a safeguard for stateless children born in Ireland, the lack of a distinct regime governing statelessness can pose problems when the stateless status of their parents cannot be established and also in the case of other stateless children within the jurisdiction who were not born in Ireland.
4. [The Immigrant Council of Ireland – Independent Law Centre \(ICI\)](#) is the leading voice in securing improved rights and protections in the area of immigration, citizenship and anti-racism in Ireland. It offers support, advice and information, while also achieving positive change through strategic legal action and engagement with lawmakers to make immigration laws fit for purpose. Access to justice is the cornerstone of all of the Council's work. It is committed to supporting individuals and families often at a vulnerable stage in their life, including victims of human trafficking and stateless persons. The Council works in coalition with like-minded individuals, organisations, stakeholders and investors to deliver genuine change at both a national and European level. The ICI has contributed to a number of

reports to UN and Council of Europe monitoring bodies on Ireland's compliance with international and regional human rights instruments, including the ICCPR,^{iv} CERD^v and CEDAW^{vi}.

5. [The Institute on Statelessness and Inclusion \(the Institute\)](#) is an independent non-profit organisation committed to promoting the human rights of stateless persons and fostering inclusion to ultimately end statelessness. Its work combines research, education, partnership and advocacy to promote the inclusion of the stateless and the disenfranchised.
6. [The European Network on Statelessness \(ENS\)](#) is a civil society alliance of NGOs, lawyers, academics and other independent experts committed to addressing statelessness in Europe. Based in London, it currently has 100 members (including 55 organisations) in over 30 European countries. ENS organises its work around three pillars: law & policy, communications and capacity-building. The Network provides expert advice and support to a range of stakeholders, including governments.

The Universal Periodic Review of Ireland under the First Cycle

7. In October 2011, Ireland was subject to the First Cycle of the Universal Periodic Review during the 12th Session of the UPR Working Group. The matter of statelessness was not included in the Government report and was also not subject to any of the stakeholder submissions to the Working Group. However, the issue of citizenship was raised in the speech delivered by the then Minister for Justice, Equality and Defence, Mr Alan Shatter TD, at the Session of the UPR Working Group on 6th October 2011, in which he set out the Government's commitment to *"reducing the time taken to process applications for citizenship to an average of six months"* and, with regard to immigration and asylum matters generally, to *"reduce unacceptable delays in parts of the system"*. He set out that there was *"draft legislation before Parliament which will simplify procedures so that decisions on asylum, protection and immigration can be taken speedily and in a transparent manner"*. The draft legislation was never enacted and will now be replaced by draft legislation focussing on the introduction of a single procedure for the processing of applications for refugee status and subsidiary protection by way of implementation of Council Directive 2004/83 EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.^{vii} Furthermore, in response to a question raised by the UK, the Minister set out that he had *"no plans to introduce appeals in citizenship matters"*.^{viii}
8. Some of the recommendations of the Working Group, partly accepted by the Government, focused on the immediate implementation of *"legislation prohibiting any form of racial discrimination and [ensuring] humanitarian treatment for migrants and persons of non-Irish origin, including through adequate training for judicial and police personnel"*.^{ix} Another recommendation, which Ireland accepted, was to *"urgently take measures necessary to ensure that the United Nations Convention on the Rights of the Child is fully implemented and incorporated into the legal and administrative system of Ireland"*.^x

9. The Institute, the ENS and the ICI are concerned that although a number of Members of the Refugee Appeals Tribunal have received a one-day training session on statelessness^{xi} and in June 2013, around 40 officials from across the relevant State agencies received training, delivered through the Irish office of the UN High Commissioner for Refugees (UNHCR), there is no mechanism for ensuring that legislators, policy makers, law enforcement officers and decision makers in the Irish Naturalisation and Immigration Service, the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal as well as judges in the Irish superior courts receive regular training on the issue of statelessness.
10. Moreover, the failure to introduce a statelessness determination procedure is in conflict with Ireland's obligations under the 1954 Convention relating to the Status of Stateless Persons. It is submitted that the absence of a procedure also hampers Ireland's ability to realise its commitment to the Convention on the Rights of the Child, Article 7 of which obliges States that are parties to the Convention to guarantee children's "*right to acquire a nationality*". As set out in more detail in Section 4 below, children are not adequately protected against statelessness in Ireland, which is further problematic in light of Ireland's obligations under the 1961 Convention on the Reduction of Statelessness.

Lack of Statelessness Determination Procedure

11. As Ireland has a dualist system, the six core human rights treaties Ireland is party to, namely

- the International Covenant on Civil and Political Rights,
- the International Covenant on Economic, Social and Cultural Rights,
- the UN Convention on the Elimination of All Forms of Racial Discrimination,
- the UN Convention on the Elimination of All Forms of Discrimination Against Women,
- the UN Convention on the Rights of the Child, and
- the UN Convention on the Rights of Persons with Disabilities

are not directly enforceable. In order to become part of the national law, the provisions of these treaties, like the provisions of the statelessness conventions, would have to be implemented through national legislation. To date, very few elements of international human rights instruments have been incorporated in Irish law, thus making them effectively unenforceable in the Irish courts. Implementing legislation ensuring the enforceability of both the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, in particular a national statelessness determination procedure, is lacking.

12. The ICI, the Institute and the ENS submit that while the 1954 Convention does not explicitly prescribe how statelessness should be determined, it does establish standards of treatment which can only be applied by States if they can establish who the beneficiaries of such treatment are.

13. Moreover, the position of stateless persons who are habitually and long-term resident in a country, including those who were born there, is distinct. It has been argued that they are in their 'own country' for the purposes of Article 12(4) of the International Covenant on Civil and Political Rights (ICCPR) and thus have a right to return and, consequently, remain there. We submit that, on this basis, such persons should be granted permanent residence - a status the Minister for Justice and Equality is empowered to grant pursuant to Section 4(1) of the Immigration Act 2004, which provides that "(...) an immigration officer may, on behalf of the Minister, give to a non-national a document, or place on his or her passport or other equivalent document an inscription, authorising the non-national to land or be in the State". However, in such circumstances, conferral (or restoration) of nationality may be even more consistent with Article 12(4) ICCPR.

14. On the issue of statelessness determination, the current Minister for Justice and Equality, Ms Frances Fitzgerald TD, stated in June 2014 in answer to a Parliamentary Question that:

"Ireland is not unusual in so far as it does not have a specific procedure for determining statelessness claims. Of the nearly eighty countries to have ratified the 1954 Convention Relating to the Status of Stateless Persons only a small fraction (including only four EU countries - Spain, Latvia, Hungary and UK) have put in place specific determination procedures for non-protection statelessness claims.

While the position adopted by other jurisdictions clearly does not determine the actions that Ireland might take in this area, some caution is nonetheless necessary to avoid a situation where Ireland, as a small country, could become a destination for stateless persons seeking access to a determination process. I have no immediate plans to introduce a formal determination procedure but will keep the matter under review, having regard also to developments in other jurisdictions and the nature of their determination procedures".^{xii}

15. However, UNHCR Ireland has since clarified that while "(I)ntroducing a statelessness determination procedure would enable stateless people to pursue a durable solution to their case by acquiring or reacquiring the nationality of their country of former habitual residence or by regularising their situation in Ireland, allowing them to access their rights under the 1954 Convention" and while "the resolution of their cases would enable them to contribute fully to the communities in which they live and reduce the burden on the State", the "evidence from other jurisdictions that have introduced statelessness determination procedures is that they have not led to an increase in the stateless populations of those countries, nor have they produced a pull factor".^{xiii}

16. Several pieces of Irish legislation, some of which by way of implementation of EU law, do refer to 'stateless persons':

- **Section 2 of the Refugee Act 1996** includes those 'not having a nationality' by reference to their place of former habitual residence for the purpose of the determination of an application for refugee status.

- **Regulation 2 of the European Communities (Eligibility for Protection) Regulations 2006**, giving effect to the Qualification Directive 2004/83/EC, contains reference to the former habitual residence of stateless persons for the purpose of the determination of applications for international protection in the form of refugee status or subsidiary protection.
- **Section 6(3) of the Irish Nationality and Citizenship Act 1956** provides that *“a person born in the island of Ireland is an Irish citizen from birth if he or she is not entitled to the citizenship of any other country”*.
- **Section 16(1)(g) of the Irish Nationality and Citizenship Act 1956** gives the Minister the power to dispense with certain conditions of naturalisation in certain cases, including cases involving a stateless person.

17. However, there is no ‘ex officio’ consideration of statelessness when a person makes an application for naturalisation as an Irish citizen and the determination of a person’s statelessness in the context of their application for refugee status or subsidiary protection does not constitute a formal recognition of statelessness.

18. In the case of *Spila & Others v Minister for Justice, Equality and Law Reform*,^{xiv} a case concerning the challenge of the Minister’s decision not to grant certificates of naturalisation to a family of seven ‘non-citizens’ from Latvia, the High Court set out that: *“(...) this Court is relieved of the responsibility for deciding whether these applicants are, as a matter of international law or otherwise, to be considered as ‘stateless’”*. In his decision, Mr Justice Cooke set out that the reason why the Court was *“relieved of this responsibility is twofold: In the first place, it is clear that when these applications were made, the Minister was not explicitly requested consider whether, as ethnic Russian Latvians they were ‘stateless’ in any sense. As pointed out above, in the application forms, they declared themselves to be of Latvian nationality with the qualification of ‘ethnic Russian’. It may be true that when the applications were presented, the applicants and their solicitor were unaware of the significance that might attach to the characterisation of ‘statelessness’ for these purposes. Nevertheless, it is clear from the letter of the 8th April, 2009, from the applicants’ solicitor referred to in para. 6 above, that it was only after the decision was received that it occurred to the applicants to assert their classification as stateless persons”*. The Court accordingly refused the application, setting out that *“this application for judicial review is unnecessary and unfounded and (...) the complex issue as to the possible status of the applicants as ‘stateless’ individuals in international law or for the purpose of the policy maintained by the Minister must be decided definitively in the first instance by the respondent Minister before it need be judicially reviewed”*.

The Situation of Stateless Persons in Ireland

19. As set out in the UNHCR Handbook on Protection of Stateless Persons, *“(G)overnment officials might encounter the question of whether a person is stateless in a range of contexts, reflecting the critical role that nationality plays in everyday life. For example, consideration of nationality status is relevant when individuals apply for passports or identity documents, seek legal residence or employment in the public sector, want to exercise their voting rights,*

perform military service, or attempt to access government services. The issue of nationality and statelessness may arise when an individual's right to be in a country is challenged in removal procedures. In refugee status determination, nationality is often key to identifying the country (or countries) in relation to which an individual's allegation of a well-founded fear of persecution should be assessed".^{xv}

20. Moreover, "(A)n assessment of statelessness will be necessary where an individual seeks the application of the safeguards set out in the 1961 Convention".^{xvi} For example, it will facilitate the identification of situations in which the Contracting State must grant its nationality to a person born in its territory who would otherwise be stateless pursuant to Article 1 of that Convention.

Lack of Statistical Data

21. In October 2014, the United Nations High Commissioner for Refugees (UNHCR) published a 'Scoping Paper: Statelessness in Ireland'^{xvii} in which it attempted to set out the extent of statelessness in Ireland. However, as no reliable statistical information is available on the number of stateless persons, this proved a difficult exercise. In its paper, UNHCR highlighted that although it attempted to gather information on the number of stateless persons from various State agencies, including the Office of the Refugee Applications Commissioner (ORAC), the Refugee Appeals Tribunal (RAT) and the Garda National Immigration Bureau (GNIB), the number of stateless persons within the refugee population is larger than recorded by those agencies.
22. Some case studies have been published by the ENS in an effort to illustrate the situation of stateless persons in Ireland and 10 other countries across the European continent:

CASE STUDY 1:

Andrej was born in Azerbaijan, then part of the USSR, and resided there until 1987 before moving to Lithuania, then also part of the USSR. When Lithuania became independent following the breakup of the Soviet Union in 1992, he acquired Lithuanian citizenship. After Lithuania joined the EU in 2004, Andrej moved to Ireland as a Lithuanian citizen exercising freedom of movement and he has lived in Ireland ever since. However in February 2008, almost three years after his arrival in Ireland, Andrej received notification from the Lithuanian authorities that his citizenship had been unilaterally revoked on the ground that he had allegedly obtained citizenship of the Republic of Azerbaijan. Andrej first believed this to be simply an administrative error since he has never been a citizen of the Azerbaijan Democratic Republic and has no entitlement to such citizenship. However, his efforts to resolve the matter through the Lithuanian courts were unsuccessful. Ireland lacks a dedicated determination procedure but In April 2010 Andrej submitted an application for recognition as a stateless person to the Irish Naturalisation and Immigration Service. This application remained pending for more than four years, but Andrej was granted permission to remain 'on exceptional grounds' in August 2011. It was only after his legal team threatened to bring legal proceedings against Ireland for failure to introduce a statelessness determination procedure, that Andrej finally received a 'declaration of statelessness' – one of only two ever issued by Ireland to date – in May 2014. The Irish Naturalisation and Immigration Service has since clarified that no

further 'Declarations of Statelessness' will be issued. However, there are cases pending before the Irish High Court seeking to challenge this situation.^{xviii}

23. In relation to the lack of data available data on statelessness in Ireland, the ICI, the Institute and the ENS wish to refer to *UNHCR's Global Action Plan to End Statelessness*, which seeks to "improve quantitative and qualitative data on stateless populations". UNHCR acknowledges in its plan that "*measuring statelessness is complicated given that stateless people often live in precarious situations on the margins of society*" and that "*frequently, stateless persons are not only undocumented but also ignored by the authorities and uncounted in national administrative registries and databases. Most even go uncounted in population censuses*".
24. However, UNHCR also highlights that "*quantitative data and qualitative analysis, which includes an assessment of the scale of the situation in terms of magnitude and geographical spread; the profile of the affected population (including its demographic composition with data disaggregated by sex and age); an analysis of the causes and impacts of statelessness (including in terms of civil, political, economic and social rights); and an overview of obstacles to and potential for solutions are all essential for States to adequately respond to statelessness and to enable UNHCR to fulfil its mandate as well as measure progress in implementing the Global Action Plan*".
25. Furthermore, the ICI, ENS and Institute draw attention to the fact that the collection of data on stateless children is one of the measures of implementation required of states by the Committee on the Rights of the Child, in order to fulfil their obligations under Article 7 of the Convention. For example in its Concluding Observations on Belarus, the Committee articulated its concern regarding the "*lack of data on the number and condition of stateless children residing in the State party*"; and urged the state to ensure the "*right of all children to acquire a nationality... in order to prevent statelessness*" inter alia, by collecting "*data on stateless children*".^{xix}

Travel Documents

26. A number of stateless persons have arrived in the context of free movement within the EU, for example from countries such as Estonia and Latvia, and – due to the absence of a formal statelessness determination procedure – are not generally identified as stateless even where they are not recognised as a national of any other state and are not able to obtain a passport or other travel documents, in a situation where they have come to Ireland on the basis of national passports that were subsequently revoked (see *Case Study 1* above) or where they have come as applicants for international protection and were subsequently granted permission to remain on humanitarian or other grounds.
27. The Irish Naturalisation and Immigration Service (INIS) is empowered to issue a '*New York Convention of 28 September 1954 (Stateless Person)*' travel document. However, despite this provision, it is general practice to issue a '*Temporary Travel Document*' to those who present as stateless. Unlike a travel document issued under a UN Convention, the

'Temporary Travel Document' may only be issued in 'exceptional circumstances' to a person who is currently resident in Ireland, and does not hold a national passport and, most importantly, the INIS is not obliged to issue travel documents in such instances.

28. The ICI, the Institute and the ENS submit that the practice of discretionary granting of 'Temporary Travel Documents' in exceptional circumstances only is not in compliance with Ireland's obligations under Article 28 of the 1954 Convention Relating to the Status of Stateless Persons to *"issue to stateless persons lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require"*.
29. We note also that, *"Contracting States may issue such a travel document to any other stateless person in their territory; they shall in particular give sympathetic consideration to the issue of such a travel document to stateless persons in their territory who are unable to obtain a travel document from the country of their lawful residence"*.

Permission to Remain in the State

30. Pursuant to Irish immigration law, namely section 4(1) of the Immigration Act 2004, *"an immigration officer may, on behalf of the Minister [for Justice and Equality], give a non-national a document, or place on his or her passport or other equivalent document and inscription, authorising the non-national to land or be in the State"*. Moreover, under section 4(7) of the same Act, such permission may be renewed and its conditions varied on application by the person concerned. This is the standard procedure for the issuing of residence permits in Ireland – no special provision has been introduced to provide a basis for the granting of residence permits to stateless persons.
31. It is the experience of the Immigrant Council of Ireland – Independent Law Centre and other practitioners in this area, that, in practice, those who present to the Irish Naturalisation and Immigration Service (INIS) as stateless persons and are able to provide evidence of their inability to return to their former country of habitual residence and/or have grounds for remaining in Ireland, for example humanitarian or family reasons, are generally granted permission to remain in the State under those provisions without formal recognition of their statelessness. However, due to the lack of formal recognition, they then have difficulties accessing Irish citizenship and with that are prevented from finding a durable solution to their situation.

Case Study 2:

Olev is an ethnic Russian from Estonia. In 2001, when he was 14 years old, his district of Ida-Virumaa became part of Estonia following its succession from the former USSR. As an ethnic Russian, Olev was issued with a so-called 'Alien's Passport' which described his nationality as 'undetermined'. Olev moved to Ireland in 2002 with a residence permit as the husband of an EU national but this relationship ended in 2007. He re-married in April 2007 but because his residence permit had expired a month earlier the Irish authorities refused to issue him with a new one. Olev remained living and working in Ireland. In March 2010 his 'Alien's Passport'

expired. However, the Estonian embassy in Dublin refused to renew it and he was told that he needed to show he was lawfully resident in Estonia by obtaining a residence permit. However, Olev could not satisfy the necessary criteria so in January 2013 his solicitors again applied for him to be granted an EU residence permit based on his continuing marriage to an EU spouse but this application was refused because he could not submit a valid passport. He then applied for a stateless person's travel document but this application was also refused. Although Ireland does not have a dedicated statelessness determination procedure, in April 2013 his solicitors submitted an application to the Minister for Justice and Equality to make a declaration of statelessness. Having received no response within three months his solicitors then issued court proceedings. In response, in March 2014 the Minister for Justice and Equality issued a declaration of statelessness, the first ever and one of only two such decisions issued in Ireland by way of an 'ad-hoc' procedure currently no longer in operation.

Access to Citizenship

32. The ICI, the Institute and the ENS wish to highlight that Ireland is failing in its obligation under Article 32 of the Convention on the Status of Stateless Persons to *"facilitate the assimilation and naturalisation of stateless persons"* and to *"expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings"*. While, as set out above, Section 16(1)(g) of the Irish Nationality and Citizenship Act 1956 gives the Minister the power to dispense with certain conditions of naturalisation in certain cases, including cases involving a stateless person, this will not find practical application in a situation where statelessness is not formally recognised.
33. Without formal recognition of their status as stateless, stateless persons wishing to apply for naturalisation as Irish citizens will have to fulfil the generally applicable conditions for the granting of citizenship which are set out in Section 15(1)(b) to (e) of the Irish Nationality and Citizenship Act 1956, namely:
- being of 'good character';
 - having had a period of one year's continuous residence in the State immediately before the date of the application and, during the eight years immediately preceding that period, having had a total residence in the State amounting to four years;
 - intending in good faith to continue to reside in the State after naturalisation; and
 - having, before a judge of the District Court in open court, in a citizenship ceremony or in such manner as the Minister, for special reasons, allows—made a declaration, in the prescribed manner, of fidelity to the nation and loyalty to the State, and undertaken to faithfully observe the laws of the State and to respect its democratic values.
34. However, stateless persons – even where they fulfil the conditions set out above – find themselves in difficulty when completing the relevant application form which requires the provision of information regarding an applicant's current nationality.

Stateless Children and the Right to Acquire a Nationality

35. While there is a lack of reliable data on childhood statelessness in Ireland, with an increase in inward migration to Ireland since the mid to late 1990s, it has become increasingly common. The Institute, the ENS and the ICI are particularly concerned that, because of the lack of formal recognition of their parents as stateless, children born to stateless persons in Ireland will not be adequately protected against childhood statelessness and – due to the evidentiary burden – will not be able to benefit from Section 6(3) of the Irish Nationality and Citizenship Act 1956 which provides that *“a person born in the island of Ireland is an Irish citizen from birth if he or she is not entitled to the citizenship of any other country”*.
36. Ireland’s current lack of implementing legislation and administrative procedures fails to provide protection against childhood statelessness in line with the State’s obligations under **Article 7 of the Convention on the Rights of the Child**, which guarantees the right to acquire a nationality. For example, where a mother – due to gender discriminatory nationality laws of her own country of nationality – is unable to pass on her nationality to her children and the father is unknown, uncontactable or unable to transmit his nationality, the child will not be able benefit from the provisions of Section 6(3) of the Irish Nationality and Citizenship Act 1956. This can also arise where the parents’ nationality is unknown or undetermined.

Recommendations

37. Based on our collective and continuous research, advocacy and engagement on the issue of statelessness in the world, Europe and Ireland, and in particular, in relation to the points made in this submission, the following recommendations are made to Ireland. The ICI, ENS and Institute remain available to provide technical assistance to Ireland in relation to any of these recommendations.
38. While the Human Rights Council has stated that *“(t)he second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the developments of the human rights situation in the State under review”*,^{xx} in light of the fact that statelessness was not focused on under the first cycle and Ireland did not fully accept all recommendations that related to the rights of stateless persons, these recommendations build on the previous recommendations to Ireland but also introduce new recommendations in response to the situation:
 - I. Fully promote, respect, protect and fulfil its obligations towards stateless persons and to protect against statelessness under international human rights law.
 - II. Fully incorporate into national law and implement the Convention on the Rights of the Child, the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. In particular, **fully implement Article 7 of the CRC and Article 1(1) of the 1961 Convention and the provisions of the 1954 Convention in relation to:**
 - a. juridical status

- b. gainful employment
 - c. welfare and administrative assistance
 - d. provisions concerning naturalisation
 - e. protection from expulsion
- III. **Collect and make publicly available, reliable data** on statelessness in Ireland, including separate/disaggregated data on stateless children.
- IV. Introduce a fair, and **effective system for identifying persons as stateless** through a national **statelessness determination procedure, that complies with international standards of due process and which follows the guidance of the UNHCR.**
- V. **Define under law, the rights of recognised stateless persons.**
- VI. Introduce **safeguards preventing the revocation of naturalisation certificates** where this would give rise to statelessness
- VII. **Withdraw Ireland's reservations to the 1954 and 1961 Conventions.**
- VIII. **Accede to the 1997 European Convention on Nationality.**
- IX. Provide **regular training on statelessness and the protection of human rights** of stateless persons to state authorities
- X. Adopt comprehensive measures to ensure **access to nationality, in practice, for stateless children born in Ireland**, in accordance with the Irish Nationality and Citizenship Act.

ENDNOTES

ⁱ Ratified by Ireland in 1962.

ⁱⁱ Ratified by Ireland in 1973 with the following reservation: "In accordance with paragraph 3 of article 8 of the Convention, Ireland retains the right to deprive a naturalised Irish citizen of his citizenship pursuant to section 19(1)(b) of the Irish Nationality and Citizenship Act 1956, on grounds specified in the aforesaid paragraph".

ⁱⁱⁱ Article 9.2.1. of the Constitution now provides that: "*Notwithstanding any other provision of this Constitution, a person born in the island of Ireland, which includes its islands and seas, who does not have, at the time of the birth of that person, at least one parent who is an Irish citizen or entitled to be an Irish citizen is not entitled to Irish citizenship or nationality, unless provided for by law*".

^{iv}

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=INT%2fCCPR%2fNGO%2fIRL%2f93%2f9070&Lang=en

^v http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/IRL/INT_CERD_NGO_IRL_78_9047_E.pdf

^{vi} <http://www.ohchr.org/Documents/HRBodies/CEDAW/AccessToJustice/ImmigrantCouncilOfIreland.pdf>

^{vii} <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML>

^{viii} [http://www.rightsnow.ie/assets/8/E90E8EAO-A268-64F8-](http://www.rightsnow.ie/assets/8/E90E8EAO-A268-64F8-86AA0D44755334B2_document/Universal_Periodic_Review_Minister_Shatter_Speech_6_Oct_2011.pdf)

[86AA0D44755334B2_document/Universal_Periodic_Review_Minister_Shatter_Speech_6_Oct_2011.pdf](http://www.rightsnow.ie/assets/8/E90E8EAO-A268-64F8-86AA0D44755334B2_document/Universal_Periodic_Review_Minister_Shatter_Speech_6_Oct_2011.pdf)

^{ix} Recommendation 107.24.

^x Recommendation 107.10.

^{xi} Delivered by the Immigrant Council of Ireland in December 2014.

^{xiii} Sophie Magennis, Living in a state of statelessness, The Irish Times, 5th November 2014

(<http://www.irishtimes.com/news/world/living-in-a-state-of-statelessness-1.1987766>)

^{xiv}

<http://www.courts.ie/Judgments.nsf/bce24a8184816f1580256ef30048ca50/72407196f915a5bc80257a640052f80d?OpenDocument>

^{xv} UNHCR Handbook on Protection of Stateless Persons under the 1954 Convention Relating to the Status of Stateless Persons, 2014, para. 57.

^{xvi} Ibid.

^{xvii} <http://www.refworld.org/country,,,,,IRL,,5448b6344,0.html>

^{xviii} Case Study previously published by the European Network on Statelessness (ENS) in: Still Stateless, Still Suffering – Why Europe must act now to protect stateless people, 2014

(http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_Still_Stateless_Still_Suffering_online%20version_2.pdf)

^{xix} UN Committee on the Rights of the Child (CRC), *Consideration of reports submitted by States parties under article 44 of the Convention : Convention on the Rights of the Child : concluding observations : Belarus*, 8 April 2011, CRC/C/BLR/CO/3-4 (<http://www.refworld.org/docid/4dc909322.html>)

^{xx} Human Rights Council, *Resolution 16/21: Review of the work and functioning of the Human Rights Council*, UN Doc. A/HRC/RES/16/21, April 2011, Annex 1, Para 6.