

How do I prove I'm stateless

A step-by-step guide



steunpunt vluchtelingen



Am I stateless?

A stateless person does not have a nationality of any country in the world. This can also mean that you have never had a passport or formal registration in your country of origin. Some stateless persons can still have documents, such as a birth certificate or an UNRWA registration, but other stateless persons don't have any documents at all. Some people are born stateless, but others become stateless during their lifetime.

You can be stateless when

- The country you lived in breaks up, and new nations are formed, leaving you without a recognized citizenship, like former citizens of the Soviet Union or Yugoslavia;
- Your home country is not officially recognized by the Netherlands, as faced by Palestinians;
- Discriminatory nationality laws affect your community, such as the Rohingya or Bidoon, denying you a recognized citizenship;
- In the country where you reside, women are not allowed to pass on their nationality to their children, for example in Lebanon and Somalia.

Do you know you are stateless or do you think you might be stateless? It is important to be officially registered as stateless to be able to access the rights you have as a stateless person in the Netherlands. On the following pages, you will discover two ways to do this. Your caseworker and/or lawyer can help you with this.

Arrival in The Netherlands

Did you just arrive in the Netherlands? Make sure to inform the Immigration and Naturalisation Service (IND) and other organizations that you are stateless or that you think you might be. It is also important that the registration at the Personal Records Database (BRP) at the municipality ('gemeente') is done correctly regarding your nationality. While staying in an AZC you can often register in the BRP in the municipality. If you are stateless and lack official documents, it might be difficult to register as stateless ('staatloos'). In such cases, most municipalities may register you with an undetermined nationality ('nationaliteit onbekend'). If this happens, it's important to seek help from a lawyer or support organization to assist in changing your registration in the BRP to 'stateless'. How you can do this will be explained in the next pages.

This brochure covers two methods for demonstrating your statelessness: the **Evidently Stateless procedure** and the **Statelessness Determination Procedure**.

Which procedure fits my situation?

I'm stateless...

And **one** of the following situations applies to me:

I have an original document issued by a foreign government or judiciary through a recognized statelessness determination procedure, affirming your statelessness status.

I was born in the Netherlands, hold a Dutch birth certificate and my parents are stateless.

I was born in the Netherlands, holding a Dutch birth certificate. My father is stateless, and due to legal constraints, my mother is unable to confer her nationality upon you.

I was born in the Netherlands, holding a Dutch birth certificate. My father is unknown by law, while my mother is either stateless or is unable to confer her nationality upon me.

I have a nationality of a state that is not recognised by the Netherlands, such as Palestine.

YES

NO

Use the Evidently Stateless procedure
(See page 4)

I'm currently in a procedure with the IND

YES

NO

You have to wait till the IND procedure is over

Use the Stateless Determination Procedure
(See page 5)

1 Evidently Stateless procedure

This procedure can be used if your statelessness can be 'easily' determined. That means that one of the five situations mentioned on the page before applies to you. In the Netherlands we call this 'evident staatloos', meaning evidently stateless. You don't need to engage a lawyer for this procedure, although you may ask for assistance from a legal representative or caseworker if needed.

When can I start the **Evidently Stateless** procedure?

If any of the previously mentioned five situations apply to you, and...

You are in a procedure with the IND, such as an asylum procedure

Determination of your identity and nationality is very important in the asylum procedure. You are responsible for proving who you are and where you're from. If you don't have a nationality, the IND can help you with determining your statelessness. To do this by checking if one of the 5 situations mentioned before apply to you.

You can initiate the determination of your statelessness through the municipality ('gemeente') in the following scenarios:

1) Initial registration: When registering with the municipality for the first time, commonly referred to as 'Basisregistratie Personen' or 'BRP'.

2) Change in registration: If you are already registered with the municipality, but not as stateless, you have the option to request a change in your registration. For example to change from 'nationality unknown' to 'stateless'.

You apply for an identity document for stateless persons (S-Document)

If you want an identity document for stateless persons (S-Document) but you don't have a formal statelessness determination yet, the IND can assess your statelessness using the framework of the Evidently Stateless procedure. You can only apply for a S-Document if you don't possess a residence permit and are not currently involved in any proceedings with the IND. Check page 6 for more details about the S-document.

You are in a return procedure with the Repatriation and Departure Service (DT&V)

If you want an identity document for stateless persons (S-Document) but you don't have a formal statelessness determination yet, the IND can assess your statelessness using the framework of the Evidently Stateless procedure. You can only apply for a S-Document if you don't possess a residence permit and are not currently involved in any proceedings with the IND. Check page 6 for more details about the S-document.

2 Statelessness Determination Procedure

If you do not meet one of the requirements of the Evidently Stateless procedure, you have the option to undergo a statelessness determination process through the Civil Court in The Hague. This process, known as the Statelessness Determination Procedure or 'Vaststellingsprocedure Staatloosheid', is available to anyone wanting to confirm their statelessness.

When can I start the **Statelessness Determination Procedure**?

When the Evidently Stateless procedure is not available to you

When you are not in an asylum procedure

Applicable whether or not you hold a residence permit

Typically lasting 6 months from application, with a possible extension of another 6 months, this procedure is accessible only if you are not currently undergoing an asylum procedure. You must wait for the conclusion of any ongoing asylum procedure before starting the judicial procedure. Your request for statelessness determination must be submitted by a lawyer.

To support your statelessness claim, you must provide as many relevant documents, information, and evidence about your identity and statelessness as possible. This may include copies of old passports, other official documents, school records, vaccination cards, documents showing the nationality of your parents and any other official documents with your name on it. It's

also helpful to take actions like contacting embassies, authorities, or organizations, and documenting these interactions, even if there's no response. Ask your lawyer and caseworker for help with this.

See the IND website for more information on the procedure and a document by UNHCR for examples on how to prove you are stateless. Links can be found in the QR code on the last page.

Your rights after determination

The rights you have as a stateless person in the Netherlands depend on your residence status.

With residence permit	Without residence permit
Register as 'stateless' in the registry (BRP) of the gemeente.	Register as 'stateless' in the registry (BRP) of the gemeente, but only if you are known to the authorities, because you are in a process with the IND or DT&V.
Apply for a travel document for stateless persons at the gemeente.	Request an identity document for stateless persons called an S-Document (see below).
Apply for Dutch nationality through naturalisation after 3 years instead of 5 years and for a lower cost. You don't need to show a passport.	Submit a new application for a residence permit based on the new evidence of your statelessness, for example a new asylum procedure or a 'buitenschuld' procedure if you cannot leave the Netherlands due to no fault of your own.
Regarding stateless children: they can apply for Dutch nationality through the 'option procedure' if they are born in the Netherlands and have a residence permit for 3 years.	Regarding stateless children: they can apply for Dutch nationality through the 'option procedure' if they are born in the Netherlands, have continuously been in the Netherlands for 5 years and fulfil the other requirements.

A statelessness identity document (S-Document)

You can request an identifying document for stateless people, called an 'S-Document', if you fulfil two conditions;

- 1** You don't have a residence permit and you are not in a procedure with the IND, which means you can't get another identity document in the Netherlands
- 2** You are officially determined as stateless through the Statelessness Determination Procedure (Vaststellingsprocedure Staatloosheid) or through the Evidently Stateless procedure.

You need to submit the [application form](#) with the required documentation via post to the IND. Ask your caseworker or lawyer for help with this.

► How is the S-document different then a W- or W2-Document?

You may already have had a W-Document or W2-Document from the IND, also known as the 'foreign nationals identity document'. The graphic on the next page explains the difference between these documents and the S-document for stateless people.

	S-DOCUMENT	W-DOCUMENT	W2-DOCUMENT
RECIPIENT	Those officially determined as stateless.	Those currently in an asylum procedure.	Those currently in a procedure other than asylum, for example: medical, human trafficking, buitenschuld or Dublin.
REQUIREMENTS	You need to apply via a written form and fulfil the following conditions: 1) You do not possess a residence permit 2) You are not in a procedure with IND 3) You are officially determined as stateless through the Stateless Determination Procedure or the Evidently Stateless procedure.	You automatically receive a W-document when you apply for asylum for the first time. You can also apply online or via post if you have applied for an extension or a permanent asylum permit and are still in the procedure.	You can apply yourself via a written form. You need to fulfil the following conditions: 1) You do not possess a valid passport. 2) You are allowed to stay in the Netherlands while you wait on a decision on your procedure 3) You do not receive money from the Dutch government.
RIGHTS	An S-Document is a document to identify yourself as stateless. It specifically notes on the document that it does not give residence rights. You cannot travel abroad. The document is valid for 5 years.	The W-document shows that you are allowed to stay in the Netherlands while you await the decision of your procedure with the IND. It is a valid proof of identity and also states your nationality. It is not a residence permit. You cannot travel abroad with it.	The W2-document shows that you are allowed to stay in the Netherlands while you await the decision of your procedure with the IND. It is a valid proof of identity and also states your nationality. It is not a residence permit. You cannot travel abroad with it.
COSTS	€228,00 and €76,00 if you are under 18. The costs are subject to change.	Free	Free

Need help?

ASKV assists stateless people with their legal procedures. Our team possesses extensive knowledge, experience, and expertise in the field of statelessness. Feel free to reach out to us if you have any questions (020-6272408 or receptie@askv.nl). We are happy to assist.

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