CASE NOTE

MKAH V SWITZERLAND — THE RIGHT TO A NATIONALITY IN THE *CONVENTION ON THE RIGHTS OF THE CHILD*

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I INTRODUCTION

On 22 September 2021, the United Nations Committee on the Rights of the Child ('UNCRC') issued a new decision in the case of *MKAH v Switzerland*,[1] brought to it through the individual communications procedure.[2] The case concerned the return of a Syrian mother and her stateless child from the Swiss Confederation ('Switzerland') to the Republic of Bulgaria ('Bulgaria'), where they had initially sought protection but were detained under inhuman and degrading conditions.

UNCRC found failures in the Swiss authorities' asylum and return proceedings, including that the best interests of the child were not taken into consideration, the child's views were not heard and the authorities did not conduct an individualised assessment to establish the risk of inhuman and degrading treatment that the child would face nor whether he would have access to a nationality, if returned to Bulgaria. UNCRC found that Switzerland violated arts 3(1) and 12 of the

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1 *Views adopted by the Committee under the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, concerning Communication No. 95/2019*, UN Doc CRC/C/88/D/95/2019 (3 November 2021) ('*MKAH v Switzerland*').

2 Since 2014, the United Nations Committee on the Rights of the Child ('UNCRC') has been able to receive and consider individual communications, also known as complaints, alleging violations of the *Convention on the Rights of the Child*. Communications may be submitted from, or on behalf of, an individual or group of individuals claiming to be victims of a violation by a state, provided that that state is a party to the *Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure*. After examining a communication, the UNCRC transmits its views to the parties concerned, along with recommendations to the state party (if any) to provide redress and prevent further human rights violations: *Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure*, opened for signature 19 December 2011, 2983 UNTS 131 (entered into force 14 April 2014).

Convention on the Rights of the Child ('*CRC*'),[3] which enshrined the principles of the best interests of the child and the child's right to be heard, meaning that the return of the child and his mother to Bulgaria would constitute a violation of arts 6(2), 7, 16, 22, 27, 28, 37 and 39.[4]

This noteworthy decision asserts that states have a positive obligation to take proactive measures to respect, protect and fulfil children's right to a nationality, including immigrant children who were not born in their current country of habitation.

II FACTS OF THE CASE

The case was brought before UNCRC by AM, acting on behalf of her son, MKAH, who was 12 years old at the time. The child was stateless and was born in the Yarmouk refugee camp in the Syrian Arab Republic ('Syria'). His mother was a Syrian national, and his father was a Palestinian from the Hashemite Kingdom of Jordan who went missing during the Syrian war.

In 2017, AM and MKAH left Syria for Europe in search of safety. As submitted by AM to UNCRC, in Bulgaria they were detained on several occasions, at times without food or water, were subjected to verbal and physical abuse by the police, were mixed in accommodation with adult men, were made to sleep on the floor, and had limited access to sanitary facilities. Even after being granted subsidiary protection, they were taken by the Bulgarian authorities to an overcrowded camp that was unsafe and did not provide adequate food or education for the child, for a total of eight months. They ultimately made their way to Switzerland to join family and applied for asylum there. The author explicitly noted in their asylum application that her son was stateless.[5]

Under a return agreement signed by Bulgaria and Switzerland,[6] the State Secretariat for Migration ('SEM') rejected the asylum claims and ordered MKAH and his mother to be returned to Bulgaria. As later established by UNCRC, Switzerland did not attempt to determine whether the child might have access to a nationality in Bulgaria before issuing the return decision.[7] The SEM dismissed the allegations of ill-treatment in Bulgaria stating that, even if they were true, the family could assert their rights before the Bulgarian courts.

The author appealed the decision to the Federal Administrative Court, which upheld the SEM's decision to return the family and later dismissed a second appeal submitted by the applicant.[8]

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3 *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) ('*CRC*').

4 *CRC* art 6(2) protects the survival and development of the child; art 7 protects the right to a name and nationality; art 16 protects against interferences with privacy, family, home, correspondence and reputation; art 22 provides for the protection of children deprived of their family environment; art 27 protects the right to a standard of living; art 28 protects the right to education; art 37 provides for the prohibition of torture or other cruel, inhuman or degrading treatment or punishment, the prohibition of arbitrary or unlawful detention and protects the right to respect for dignity; and art 39 requires states to take appropriate measures for the recovery and social reintegration of child victims of neglect, exploitation or abuse, cruel, inhuman or degrading treatment or punishment or armed conflicts.

5 *MKAH v Switzerland* (n 1) 14 [10.10].

6 *Agreement on the Return of People in an Irregular Situation,* Bulgaria–Switzerland, signed 21 November 2008 (entered into force 29 March 2009).

7 *MKAH v Switzerland* (n 1) 14 [10.10].

8 ibid 3 [2.13]–[2.15].

III SUMMARY OF THE JUDGMENT

A *Main Arguments by the Parties*

Befor UNCRC, AM argued that if her son was returned to Bulgaria, Switzerland would violate several provisions of the *CRC*,[9] including art 7 (the right to a nationality) and art 12 (the right to be heard). UNCRC asked Switzerland to suspend the return of the family to Bulgaria while the case was pending.

AM noted that, at the time, the procedure for determination of statelessness in Bulgaria was restricted to persons who were born in Bulgaria or entered the country regularly.[10] The lack of a legal framework to recognise her son as stateless meant that his return would result in a violation of the right to a nationality under arts 2(2) and 7 of the *CRC*.[11]

AM claimed that the Swiss authorities had failed to justify how the removal order was in accordance with the child's best interests, especially in light of the abuse they suffered and the poor conditions.[12] AM stressed the likelihood of her child being re-traumatised if returned to Bulgaria, relying on civil society reports and decisions from international bodies that evidenced the severe lack of integration policies, housing, education and medical care in Bulgaria for beneficiaries of international protection.[13]

A third party intervention submitted by the Advice on Individual Rights in Europe Centre, the European Council on Refugees and Exiles, and the Dutch Council for Refugees[14] informed UNCRC that although Bulgaria has international obligations to protect stateless persons and prevent statelessness, it has maintained reservations to the *Convention relating to the Status of Stateless Persons*[15] and the

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9 AM invoked arts 2(2), 6, 7, 12, 16, 22, 24, 27, 28, 29, 37 and 39 of the *CRC*: see *MKAH v Switzerland* (n 1) 1 [1.1]. This case note only analyses the claims related to the child's right to a nationality and related implications.

10 *MKAH v Switzerland* (n 1) 3 [3.2].

11 ibid 3 [3.2], 9 [6.4]. In relation to the alleged violation of art 2(2), UNCRC concluded that the author had not provided sufficient evidence to substantiate the claim and therefore declared it ill-founded and inadmissible: see *MKAH v Switzerland* (n 1) 11 [9.7].

12 ibid 12 [10.3].

13 ibid 4 [3.5] citing Iliana Savova, 'Country Report: Bulgaria 2018 Update' (Country Report, Asylum Information Database, January 2019); Council of Europe, *Report of the Fact-Finding Mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, to Bulgaria* (Report No SG/Inf(2018)18, 19 April 2018) 19; Margarite Zoeteweij and Adriana Romer, 'Bulgarie: Situation Actuelle des Personnes Requérantes d'Asile et des Personnes au Bénéfice d'un Statut de Protection' (Information Report, Swiss Refugee Council, 30 August 2019) 22–23; Swiss Refugee Council, *Renoncer aux Transferts vers la Bulgarie* (Report, September 2019).

14 AIRE Centre, European Council on Refugees and Exiles and Dutch Council for Refugees, 'Third Party Intervention in MKAH v Switzerland, 95/2019', Communication to the UN Committee on the Rights of the Child in *MKAH v Switzerland*, 31 March 2020, 9 [37] <https://www.asylumlawdatabase.eu/sites/default/files/aldfiles/CRC-MKAH%20final%20as%20sent.pdf>, archived at <https://perma.cc/N29P-EJY2> ('*Third Party Intervention*').

15 *Convention relating to the Status of Stateless Persons*, opened for signature 28 September 1954, 360 UNTS 117 (entered into force 6 June 1960). See also *Convention relating to the Status of Stateless Persons, New York, 28 September 1954, Bulgaria: Accession*, UN Doc CN.168.2012.TREATIES-V.3 (28 March 2012); *Bulgaria: Withdrawal of Reservation to Article 31 of the Convention*, UN Doc CN.505.2020.TREATIES-V.3 (27 October 2020).

European Convention on Nationality ('*ECN*')[16] that have a direct impact on the ability of stateless persons to effectively access their rights. The intervention argued that states must implement children's rights to a nationality in a way that respects the principle of the best interests of the child, which entails taking proactive measures to protect the rights of stateless children. Return decisions must include a rigorous assessment of all the facts and circumstances related to the child, to ensure that the child is not rendered stateless and that the other fundamental rights under the *CRC* are not consequently impaired.[17]

UNCRC found that the claims under arts 3(1), 6(2), 7, 12, 16, 22, 27, 28, 37 and 39 were admissible, including those relating to Switzerland's failure to adequately take into account the best interests of the child and the child's views, as well as the risk of inhuman and degrading treatment in Bulgaria.

B *Best Interests of the Child in Asylum and Return Proceedings*

UNCRC reiterated that the best interests of the child should be a primary consideration in return decisions, which must include procedural safeguards to ensure that the child will be safe and enjoy their fundamental rights upon return,[18] and a shared burden of proof.[19]

According to the principle of non-refoulement, states must not return a child to a country where there are substantial grounds for believing that they may be at real risk of irreparable harm,[20] including when there are 'reasonable doubts' about the ability of the receiving state to protect the child from such risks.[21]

Even though Bulgaria is a party to key human rights instruments, UNCRC noted that Switzerland had not taken into account the numerous civil society reports evidencing that children in similar situations in Bulgaria faced a real risk of inhuman or degrading treatment. The authorities failed to conduct an individualised assessment of the risk that MKAH could face, including those relating to access to education, employment, housing, medical care and other services that are essential for the child's physical and psychological recovery.[22]

UNCRC concluded that Switzerland failed to make the best interests of the child a primary consideration when assessing whether MKAH should be returned to Bulgaria, which resulted in a violation of art 3(1) of the *CRC* and potential

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16 *European Convention on Nationality*, opened for signature 6 June 1997, ETS No.166 (entered into force 1 March 2000) ('*ECN*'). See also, 'Reservations and Declarations for Treaty No 166 – European Convention on Nationality (ETS No 166)', *Council of Europe Treaty Office* (Web Page) <https://www.coe.int/en/web/conventions/full-list?module=declarations-by-treaty&numSte=166&codeNature=0>, archived at <https://perma.cc/2VCA-A6G3>.

17 *Third Party Intervention* (n 14) 10 [41]; *MKAH v Switzerland* (n 1) 6 [4.8].

18 UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families ('CMW') and UNCRC, *Joint General Comment No 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No 22 (2017) of the Committee on the Rights of the Child on the General Principles regarding the Human Rights of Children in the Context of International Migration*, UN Doc CMW/C/GC/3-CRC/C/GC/22 (16 November 2017) 6–7 [29]–[30].

19 *MKAH v Switzerland* (n 1) 13 [10.5].

20 UNCRC, *General Comment No 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin*, UN Doc CRC/GC/2005/6 (1 September 2005) 9 [26]–[27]; UN Committee on the Elimination of Discrimination Against Women, *General Recommendation No 32 on the Gender-Related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of Women*, UN Doc CEDAW/C/GC/32 (5 November 2014) 7–8 [21], 9 [26].

21 *MKAH v Switzerland* (n 1) 12 [10.4].

22 ibid 13 [10.7].

violations of arts 6(2), 22, 27, 28, 37 and 39.[23]

UNCRC also found a violation of the child's right to be heard under art 12 of the *CRC*,[24] and that returning MKAH to Bulgaria would have constituted an arbitrary interference with his privacy in violation of art 16, due to the impact of being separated from his cousins and uncle.[25]

C *The Right to a Nationality*

The UNCRC concluded that art 7 of the *CRC* requires states to take proactive steps to ensure the right to a nationality can be exercised. The Swiss authorities had been informed that MKAH was stateless when he applied for asylum, and ought to have taken all necessary steps to ensure that he would have access to a nationality if he were returned to Bulgaria. As such, UNCRC found that MKAH's right to a nationality under art 7 would be violated if he were returned to Bulgaria.[26]

D *Outcome*

In light of the aforementioned, UNCRC concluded that there had been a violation of arts 3(1) and 12 of the *CRC*, and that the return of MKAH and his mother to Bulgaria would further constitute a violation of arts 6(2), 7, 16, 22, 27, 28, 37 and 39.[27]

It requested that Switzerland reconsider the decision to deport the family to Bulgaria and that it urgently review MKAH's asylum application, ensuring that his best interests be a primary consideration, that he is duly heard and that the particular circumstances of the case are duly assessed. UNCRC also specifically asked Switzerland when reviewing the asylum application to take into account the risk that MKAH would remain stateless in Bulgaria.[28]

Aiming to repair the systemic flaws that led to this situation, UNCRC obligated Switzerland to take all necessary measures to ensure that similar violations do not recur. This included removing all obstacles to ensure that children could appropriately challenge decisions affecting them and that they would be systematically heard in asylum procedures. It also asked Switzerland to ensure that national protocols for the return and readmission of children to third countries comply with the *CRC*.[29]

IV Analysis

This innovative decision by UNCRC on the *CRC* is a welcome and significant advancement in the reduction of childhood statelessness. Set within a universally ratified instrument, the child's right to a nationality under art 7 of the *CRC* is one of the key protections in international law to prevent childhood statelessness. Switzerland has not acceded to the 1961 *Convention on the Reduction of*

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23 ibid 14 [10.9]. See n 4 for an outline of the scope of these articles.

24 *MKAH v Switzerland* (n 1) 14 [10.11].

25 ibid 14 [10.12].

26 ibid 14 [10.10].

27 ibid 14 [11]. See n 4 and *CRC* art 3(1), which establishes the principle of the best interests of the child and art 12, the right of the child to form their own views and to be heard.

28 *MKAH v Switzerland* (n 1) 15 [12(c)].

29 ibid 15 [12(e)].

Statelessness[30] nor the *ECN*, but it still has a duty to prevent and reduce childhood statelessness deriving from its obligations under art 7 of the *CRC*. Although this provision clearly sets out that children have the right to acquire a nationality—meaning that no child should ever remain stateless throughout their childhood—it does not establish who holds the corresponding responsibility for granting a nationality to the child, nor when and how this will take place.

UNCRC is in a crucial position to clarify the scope of protection under art 7, and to also influence the interpretation of the child's right to a nationality in other human rights instruments.[31]

State parties to the *CRC* have a responsibility towards all children in their jurisdiction to respect, protect and fulfil their right to a nationality, and to ensure that their best interests are taken into consideration in all actions or decisions concerning them. In fact, art 7(2) does not exclusively impose a responsibility on the state where the child was born, but also on all countries with which the child has a link by way of residence, parentage or place of birth.[32] States should put safeguards in place to prevent statelessness among children born on their territory, and are also 'required to adopt every appropriate measure, both internally and in cooperation with other [s]tates, to ensure that every child has a nationality when he or she is born'.[33]

UNCRC has clarified that the principle of the best interests of the child is a threefold concept that acts as a substantive right, an interpretative legal principle and a rule of procedure.[34] The joint interpretation of arts 3 and 7 of the *CRC* implies that a child should acquire a nationality at birth or as soon as possible after birth[35] to ensure that the child does not remain stateless throughout childhood. This requires states to put in place non-discriminatory nationality laws with full safeguards to prevent and reduce statelessness among children who have a relevant link to that state, including children of refugees or children in migration.

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30 *Convention on the Reduction of Statelessness*, opened for signature 30 August 1961, 989 UNTS 175 (entered into force 13 December 1975); *Third Party Intervention* (n 14) [34].

31 Including *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) art 24(3); *International Convention on the Elimination of All Forms of Racial Discrimination*, opened for signature 7 March 1966, 660 UNTS 1 (entered into force 4 January 1969) art 5(d)(iii); *Convention on the Elimination of All Forms of Discrimination Against Women*, opened for signature 18 December 1979, 1249 UNTS 1 (entered into force 3 September 1981) art 9; *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, opened for signature 18 December 1990, 2220 UNTS 3 (entered into force 1 July 2003) art 29 and *Convention on the Rights of Persons with Disabilities*, opened for signature 13 December 2006, 2515 UNTS 3 (entered into force 3 May 2008) art 18.

32 Gerard-René DeGroot, 'Children, their Right to Nationality and Child Statelessness' in Alice Edwards and Laura van Waas (eds), *Nationality and Statelessness under International Law* (Cambridge University Press 2014) 144, 147.

33 CMW and UNCRC, *Joint General Comment No 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No 23 (2017) of the Committee on the Rights of the Child on State Obligations regarding the Human Rights of Children in the Context of International Migration in Countries of Origin, Transit, Destination and Return*, UN Doc CMW/C/GC/4-CRC/C/GC/23 (16 November 2017) 7 [23]. See also UN Human Rights Committee, *CCPR General Comment No 17: Article 24 (Rights of the Child)*, 35th Sess, UN Doc HRI/GEN/1/Rev.1 (19 July 1994) 23 [8].

34 UNCRC, *General Comment No 14 (2013) on the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration (art 3 para 1)*, UN Doc CRC /C/GC/14 (29 May 2013) 4 [6].

35 *Guidelines on Statelessness No 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1–4 of the 1961 Convention on the Reduction of Statelessness*, UN Doc HCR/GS/12/04 (21 December 2012) 3 [11].

In *MKAH v Switzerland*, UNCRC did not ask Switzerland to grant protection to MKAH nor to grant him a nationality, but it confirmed that the right to a nationality must be an essential consideration in the assessment of asylum and return procedures, in the same way that authorities must assess whether other child rights under the *CRC* will be fulfilled in the country to which the child would be returned. This issue is not isolated, as UNCRC has in the past issued recommendations for Switzerland to address the lack of a procedure for assessing the best interests of the child in asylum, detention and deportation procedures, and the fact that the views of children are not heard.[36]

The Swiss authorities were aware of MKAH's statelessness and should have taken all steps necessary to ensure that he would have access to a nationality in Bulgaria.[37] Switzerland had a positive obligation to perform an individualised assessment that would (i) assess the risk of ill-treatment for the child upon return, and (ii) seek sufficient guarantees from Bulgaria that the child would be protected against such a risk, taking into consideration their individual circumstances and particular vulnerabilities.[38]

The need to conduct an individualised assessment in return decisions has been asserted and developed by other treaty bodies and courts,[39] such as the Human Rights Committee:

> the evaluation of whether or not the removed individuals are likely to be exposed to conditions constituting cruel, inhuman or degrading treatment … must be based not only on assessment of the general conditions in the receiving country, but also on the individual circumstances of the persons in question.[40]

These circumstances include 'vulnerability-increasing factors' and past experiences of the individual which may render their return to a certain country particularly traumatic.[41] The European Court of Human Rights took a similar approach in a case concerning the return of a family with children from Switzerland to the Republic of Italy, stating that the Swiss authorities should obtain 'individual guarantees from the Italian authorities that the applicants would be taken charge of in a manner adapted to the age of the children and that the family would be kept together' before deciding to return them,[42] as failure to do

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36 Child Rights Network Switzerland, *Fourth NGO Report to the UN Committee on the Rights of the Child* (Report, May 2021) 28; UNCRC, *Concluding Observations on the Combined Fifth and Sixth Periodic Reports of Switzerland*, UN Doc CRC/C/CHE/CO/5-6 (22 October 2021) 13–14 [42]–[43].

37 *MKAH v Switzerland* (n 1) 14 [10.10].

38 *Third Party Intervention* (n 14) 8 [32]–[33].

39 See, eg, Human Rights Committee, *Communication No 2360/2014: Views Adopted by the Committee at its 114th Session (29 June–24 July 2015)*, UN Doc CCPR/C/114/D/2360/2014 (25 September 2015) 11 [8.9] ('*Warda Osman Jasin v Denmark*'); Human Rights Committee, *Views Adopted by the Committee under Article 5(4) of the Optional Protocol, concerning Communication No 2681/2015*, UN Doc CCPR/C/119/D/2681/2015 (21 April 2017) ('*YAA and FHM v Denmark*') 11 [7.7]. See also *Tarakhel v Switzerland* (European Court of Human Rights, Grand Chamber, Application No 29217/12, 4 November 2014) 43–44 [101]–[103] ('*Tarakhel*').

40 *YAA and FHM v Denmark* (n 39) 11 [7.7].

41 ibid.

42 *Tarakhel* (n 39) 48 [122].

so would constitute a violation of the prohibition against torture or inhuman or degrading treatment or punishment.[43]

Although UNCRC did not develop this reasoning, in *MKAH v Switzerland* the interveners noted that the positive obligation to protect the right to a nationality demands a rigorous assessment in return decisions that aims to ensure that the child does not remain stateless, but also that their other fundamental rights under the *CRC* are not impaired as a consequence.[44] The latter recognises the impact that statelessness has on the child's ability to exercise their fundamental rights. All rights in the *CRC* are interdependent and of equal importance,[45] but the right to a nationality plays an essential role in enabling access to, and enjoyment of, the other rights in the *CRC*,[46] as a crosscutting right that has a level of interaction or implication with almost all provisions of the *CRC*.

It is also relevant that UNCRC found a violation of the right of the child to freely express their views under art 12, as it had already drawn attention to the need to ensure that stateless children are included in decision-making processes within the countries where they reside.[47] The decision therefore confirms that this principle also applies to return decisions.

V CONCLUSION

The impact of statelessness upon children on the move is tremendous.[48] Migrant or refugee children may already encounter difficulties in establishing their identity, evidencing ties to their family or a territory and in acquiring a nationality. The general lack of provisions to reduce statelessness among children of refugees and migrant children means that, against their best interests, they may have to face a lengthy journey until they are able to acquire a nationality.[49]

MKAH v Switzerland acknowledges the fundamental nature of the right to a nationality and confirms that states bear responsibility in conducting an individualised assessment of the risk that children would face if returned to another country, including whether the child would have access to a nationality. UNCRC heightened the role of the *CRC* in reducing statelessness and reinforcing states' obligations to effectively protect the child's right to a nationality.

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43 See *Convention for the Protection of Human Rights and Fundamental Freedoms*, opened for signature 4 November 1950, 213 UNTS 221 (entered into force 3 September 1953) art 3 ('*ECHR*'), which reads, '[n]o one shall be subjected to torture or to inhuman or degrading treatment or punishment'.

44 *MKAH v Switzerland* (n 1) 6 [4.8]; *Third Party Intervention* (n 14) 10 [41].

45 UNCRC, *General Comment No 15 (2013) on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health (art 24)*, UN Doc CRC/C/GC/15 (17 April 2013) 4 [7].

46 See Maria Jose Recalde Vela, 'An Interview with Benyam Dawit Mezmur, Chairperson of the United Nations Committee on the Rights of the Child' in Institute on Statelessness and Inclusion (ed), *The World's Stateless: Children* (Wolf Legal Publishers 2017) 130, 131.

47 UNCRC, *General Comment No 12 (2009): The Right of the Child to be Heard*, UN Doc CRC/C/GC/12 (20 July 2009) 24 [124].

48 European Network on Statelessness, *No Child Should be Stateless: Ensuring the Right to a Nationality for Children in Migration in Europe* (Policy Briefing, 2 April 2020) 7–11 <https://www.statelessness.eu/updates/publication/no-child-should-be-stateless-ensuring-right-nationality-children-migration>, archived at <https://perma.cc/3LGZ-P47R>.

49 ibid 9; Jyothi Kanics, 'Migration, Forced Displacement and Childhood Statelessness' in Institute on Statelessness and Inclusion (ed), *The World's Stateless: Children* (Wolf Legal Publishers 2017) 209–23.

The case did not expand on how the right to a nationality should be protected if the authorities conclude that the child cannot be returned. In such cases, statelessness should be identified and determined through child-friendly procedures, and children who are recognised as stateless should have access to facilitated routes to naturalisation to acquire a nationality as soon as possible and in their best interests. The implementation of these safeguards is crucial in not only actively working towards ending childhood statelessness by preventing statelessness at birth, but also ensuring that all stateless children acquire a nationality.