

(English version)

**Question for written answer E-001584/26
to the Commission
Isabel Serra Sánchez (The Left)
(17 April 2026)**

Subject: Exclusion of stateless persons from the extraordinary regularisation process

On 15 April, the extraordinary regularisation process in Spain entered into force. However, the decree excludes individuals seeking the status of statelessness, a measure that primarily affects the Sahrawi population, who make up 96% of this group in Spain. Notably, this exclusion does not apply to other groups also covered by specific international protection statuses, such as asylum seekers. According to the 2023 Statelessness Index, people who have applied for the status of statelessness face severe barriers when it comes to accessing basic rights such as healthcare and employment while they are awaiting a decision regarding their application, leaving them in a situation of complete vulnerability. Taking account of Article 15 of the Universal Declaration of Human Rights, which lays down the right to a nationality, and Articles 1, 15 and 21 of the Charter of Fundamental Rights of the EU, which lay down the rights to human dignity, the right to work and non-discrimination respectively:

1. Does the Commission consider that the exclusion of people who have applied for the status of statelessness from the regularisation process could constitute discrimination?
2. Does it consider that the barriers to accessing basic rights currently faced by people who have applied for the status of statelessness in Spain comply with the obligations to provide special protection for this group?

Submitted: 17.4.2026

**Answer given by Mr Brunner on behalf of the European Commission
(12 June 2026)**

It is a competence of the Member State, having due regard to EU law, to lay down the conditions for the acquisition and loss of nationality, as clarified by the Court of Justice ⁽¹⁾. Member States should comply with their international obligations towards stateless persons, in accordance with international human rights law instruments, including where applicable under the Convention relating to the Status of Stateless Persons ⁽²⁾. It is also a competence of the Member States to determine the eligibility criteria for regularisation procedures.

⁽¹⁾ Judgment of the Court of 7 July 1992, Mario Vicente Micheletti and others v Delegación del Gobierno en Cantabria, C-369/90, ECLI:EU:C:1992:295, paragraph 10.

⁽²⁾ <https://www.unhcr.org/sites/default/files/2025-02/1954-statelessness-convention.pdf>.