

UNHCR Representation for the Nordic and Baltic Countries

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RE: **Proposed Amendments to the Citizenship Act of Estonia**

Dear Mr. Kaasik,

I am writing to you regarding the Ministry of the Interior's proposal to amend the Citizenship Act of Estonia and would like to express our strong support for this effort. This initiative is important and timely, as it has the potential to resolve the situation of 66 children, who live as stateless in Estonia.

As you are aware, a critical safeguard to prevent statelessness is to ensure that nationality laws allow children born on the territory of a State to acquire the nationality of that State if they would otherwise be stateless. The *International Covenant on Civil and Political Rights* (Art. 24) and the *1989 Convention on the Rights of the Child* (Art. 7), which Estonia is a signatory to both affirm the right of every child to acquire a nationality. This right applies to all children born in Estonia who cannot acquire any other nationality. In accordance with the best interests of the child as contained in Article 3 of the Convention of the Rights of the Child, it is recommended that States *automatically* grant their nationality to children in such situations (see *Action 2. Ensure that no child is born stateless* of [Global Action Plan to End Statelessness 2.0](#)).

Section 13(4) of the *Citizenship Act of Estonia* prevents childhood statelessness in certain situations. However, this provision does not fully guarantee Estonian nationality to every child, who would otherwise be stateless:

- This section requires that the child's parent(s) have had "*lawful residence*" in Estonia for at least five years at the time of the child's birth (for comparison see "*Habitual residence*," paragraphs 40-43 of the [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](#));
- It does not address the situation of stateless children aged 15-17;
- The law does not regulate the situation when one or both parents possess a nationality but cannot confer it on their child.

Therefore, in addition to supporting the granting citizenship to the 66 children referred to above, UNHCR would appreciate if the Ministry could also consider granting citizenship to all children born on its territory, who would otherwise be stateless. This could be made possible by, for example, eliminating the requirement of "*lawful residence*" for stateless parents and establishing a comprehensive legal framework for the identification, determination, and protection of stateless persons within the migratory context.

UNHCR remains at your disposal for any discussion or assistance needed. Please do not hesitate to contact my colleague Olga Sötnik (sotnik@unhcr.org).

Yours sincerely,



Annika Sandlund
Representative

Mr. Joosep KAASIK
Undersecretary for Internal Security
Ministry of the Interior of Estonia