



IOM INSTITUTIONAL STRATEGY ON LEGAL IDENTITY

The opinions expressed in this publication are those of the authors and do not necessarily reflect the views of the International Organization for Migration (IOM). The designations employed and the presentation of material throughout the publication do not imply expression of any opinion whatsoever on the part of IOM concerning the legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries.

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

Publisher

International Organization for Migration
17 route des Morillons
P.O. Box 17
1211 Geneva 19
Switzerland
Tel.: +41 22 717 9111
Fax: +41 22 798 6150
Email: hq@iom.int
Website: www.iom.int

This publication has been issued without formal editing by IOM.



© IOM 2021

Some rights reserved. This work is made available under the [Creative Commons Attribution-NonCommercial-NoDerivs 3.0 IGO License](https://creativecommons.org/licenses/by-nc-nd/3.0/igo/legalcode) (CC BY-NC-ND 3.0 IGO).^{*} For further specifications please see the [Copyright and Terms of Use](#). This publication should not be used, published or redistributed for purposes primarily intended for or directed towards commercial advantage or monetary compensation, with the exception of educational purposes, e.g. to be included in textbooks.

Permissions: Requests for commercial use or further rights and licensing should be submitted to publications@iom.int.

TABLE OF CONTENTS

I. LIST OF ACRONYMS.....	5
II. FOREWORD.....	6
III. EXECUTIVE SUMMARY.....	8
1. INTRODUCTION.....	10
2. STRATEGY PILLARS AND OUTCOMES.....	15
2.1 Supporting development of consular services to issue civil registration, citizenship certificates, ID and travel document.....	16
a. Strengthening civil registration services to issue proof of nationality and travel document at consular representations.....	17
b. Promoting bilateral (and regional) policies that are rights-based, including measures for updating vital events of relevance to the migrant in both host country and country of origin.....	18
c. Enhance consular services to support nationals abroad without documentary proof of legal identity.....	18
2.2 Assisting migrants without legal identity documents.....	18
a. Assisting migrants to obtain paper-based or digital evidence of legal identity.....	19
b. Exploring possibilities and, as appropriate, supporting irregular migrants or migrants caught in crisis situations with recording their vital events when unable to access services directly.....	20
2.3 Supporting national civil registration and identity management systems to facilitate regular migration and mobility.....	20
a. Strengthening national civil registration and identity management systems.....	21
b. Support strengthening of national identity card and travel document issuance processes.....	22
c. Supporting identity management systems and civil registration of migrants.....	23
2.4 Provide thought leadership on the nexus between migration, displacement, and legal identity, including their impact on the protection of migrants.....	24

3. STRATEGY IMPLEMENTATION	25
3.1 Leverage and expand on existing IOM institutional and technical capacities	26
3.2 Pursue and strengthen a “Whole of UN approach” in delivering a holistic and concerted support to strengthen inclusive national legal identity systems that conform with international law and standards and that contribute to reducing statelessness.....	26
3.3 Seek and strengthen partnership with global and regional development financial institutions, private sector, civil society, and local communities’ partners.....	27
4. KEY PRINCIPLES	28
5. IMPLEMENTATION SAFEGUARDS	31
ANNEX 1 - LEGAL FRAMEWORK OF LEGAL IDENTITY UNDER INTERNATIONAL MIGRATION LAW	34
ANNEX 2 - DEFINITIONS	42

I. LIST OF ACRONYMS

CESCR	International Covenant on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
ICAO	International Civil Aviation Organization
ICCPR	International Covenant on Civil and Political Rights
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ID	Identity
IDP	Internally displaced persons
IML	International migration law
IOM	International Organization for Migration
MIDAS	IOM migration information and data analysis system
MRTDs	Machine-readable travel documents
OHCHR	Office of the United Nations High Commissioner for Human Rights
SDGs	Sustainable Development Goals
UDHR	Universal Declaration of Human Rights
UNLIA	United Nations Legal Identity Agenda
UNLIEG	United Nations Legal Identity Expert Group
UN DESA	United Nations Department of Economic and Social Affairs
UNCT	United Nations Country Team
UNDP	United Nations Development Programme
UNICEF	United Nations Children Fund

II. FOREWORD

Every person has the inherent right to be recognized before the law. This right is translated into practice by civil registries or legally recognized authorities by recording vital information and the issuance of proof of legal identity. Although the universal right to an identity is not bound to civil documents, the absence of documentary evidence of legal identity is of particular concern for people on the move. Individuals without a legal identity that is duly registered by competent authorities are invisible to the State, at risk of becoming stateless and cut off from the legal and administrative frameworks that exist to protect their rights. Furthermore, people without legal identity, including migrants, are often effectively hindered from accessing a range of essential services, accentuating inequalities, and keeping them from participating in legal and contractual transactions with public authorities or other individuals.

Migration requires an examination of legal identity as a compound factor of movements across borders, such as accessing regular migration pathways, protection, healthcare, education, labour markets, and the formal economy, including financial services, amongst other activities. From the perspective of governments this is also the cornerstone of effective migration governance, including admission and stay policies, border management and measures to tackle human trafficking and migrant smuggling. In addition, legal identity is necessary to operationalize regularization and family reunification policies while enabling the voluntary and safe return and readmission of migrants. Crucially, migrants in vulnerable situations or in crisis settings that are unable to prove their legal identity face significant obstacles to access to critical services, including international evacuation assistance, and the ability to return to their countries of origin.

With approximately 1 billion people across the globe lacking access to legal identity, promoting their registration by relevant national authorities is crucial for the achievement of safe and dignified livelihoods, contributing to the international commitment of leaving no one behind. Furthermore, as part of the global mobility disruptions caused by COVID-19 and for preparedness for future pandemics, access to legal identity can be expected to be increasingly linked to admission and stay requirements, along with wider public and border health considerations.

In line with IOM's Strategic Vision and with universal access to legal identity as key to reducing inequalities and an enabler of sustainable development and protection for people on the move, IOM's Institutional Strategy on Legal Identity serves as the foundation of the institutional priority to increase its role to address the legal identity targets found in the Sustainable Development Goals (SDGs) and the Global Compact for Safe, Orderly and Regular Migration. Additionally, the proposals outlined in the United Nation's Common Agenda identify legal identity as one of the of the areas of action that are central to upholding international law and ensuring justice.

By launching this strategy, IOM commits itself to increasing its focus on legal identity as a critical enabler of global mobility and the realization of migrants' rights. This strategic approach to legal identity is centred on stepping up efforts to ensure that migrants have equal and non-discriminatory access to legal identity.

The IOM Legal Identity Strategy is based on the multiple mobility dimensions to the issue while serving as a roadmap to support Member States advancing universal access to legal identity and documentation.

This includes maintaining strong commitments to data privacy and good governance through adequate and rights compliant systems for all migrants, irrespective of their legal status. This strategy reinforces IOM's goal to ensure that legal identity is addressed more consistently as part of existing and upcoming interventions, while fostering its convening role and thought leadership to provide a global platform for the exchange and promotion of good practices to advance legal identity systems, with a focus on the nexus between migration, displacement, the protection of migrants, and universal access to legal identity.

A handwritten signature in blue ink, appearing to read 'António Vitorino', with a stylized flourish at the end.

António Vitorino

Director General

International Organization for Migration

III. EXECUTIVE SUMMARY

The 2030 Agenda’s central pledge is to ensure that no one will be left behind. This particularly applies to the approximately one billion people who live without their legal identity being registered by a relevant state authority and who experience the consequences of being excluded or overlooked by States.¹

The lack of legal identity has wide implication in migration and mobility. Further to being impeded from effectively accessing their rights and corresponding services, people without legal identity will be unable to migrate safely to most, if not all, foreign countries. This global identity gap is acknowledged in the 2030 Agenda, which established a specific target within the Sustainable Development Goals (SDGs) – Target 16.9 – “legal identity for all, including birth registration, by 2030”.

In countries with a large proportion of population without legal identity, meeting SDG target 10.7, which calls for countries to “facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies” is closely linked with closing the legal identity gap. Ultimately, engagement on legal identity as an intersection of SDG targets 16.9 and 10.7 provides a framework for achieving all the other relevant SDGs dealing with migration. Legal identity is an “accelerator” of SDG attainment, unlocking the achievement of other SDGs.

The Global Compact for Migration further outlines practical means for governments to improve national legal identity systems, specifically under Objective 4: “Ensure that all migrants have proof of legal identity and adequate documentation”, where States expressed their commitment “...to fulfil the right of all individuals to a legal identity

by providing all our nationals with proof of nationality and relevant documentation, allowing national and local authorities to ascertain a migrant’s legal identity upon entry, during stay and for return, as well as to ensure effective migration procedures...”. This commitment extends to implementing policies that would ensure reaching unregistered persons and nationals residing in other countries, that migrants are issued adequate documentation and civil registry documents, such as birth, marriage and death certificates at all stages of their migration, as a means to empower migrants to effectively exercise their human rights as well as prevent and reduce statelessness.²

The ability to address legal identity comprehensively and cooperatively is therefore a fundamental requirement for responsible and rights-based approaches to protecting the rights of migrants, global orderly and safe mobility, and migration governance. Implementing this strategy on the basis of “do no harm” principles, including in coordination with other United Nations Legal Identity Agenda (UNLIA) agencies, allows for improvements across the three pillars of the IOM Strategic Vision: resilience, mobility and governance, and enhances the protection, well-being and access to rights of migrants regardless of their age, sex, gender or other personal characteristics. To that effect, IOM’s engagement on legal identity will be built around the following four strategic pillars:

¹ Inter-American Development Bank, [The Significance of Legal Identity in Situations of Poverty and Social Exclusion](#), (2009).

² The Global Compact for Migration outlines seven actions that States can take to help reach Objective 4: 1) Improvement of civil registry systems and documents; 2) harmonization of travel documents in line with ICAO standards; 3) ensuring access to consular support; 4) facilitation of access to individual travel documents; 5) working to reduce statelessness and provide access to nationality; 6) provision of basic services irrespective of nationality; and, 7) national issuance of registration cards to non-nationals.

1. Supporting the development of solutions for consular services to issue civil registration, ID, citizenship certificates and travel documents;
2. Assisting migrants without legal identity documents;
3. Supporting national civil registration and identity management systems to facilitate migration and mobility;
4. Providing thought leadership on the nexus between migration, displacement, and legal identity, including their impact on the protection of migrants.

When operationalizing this strategy, IOM will:

- Leverage, and expand as needed, existing IOM institutional and technical capacities;
- Pursue and strengthen a “whole-UN-approach” in delivering holistic and concerted support to strengthen inclusive national legal identity systems that conform with international law and standards and that contribute to reducing statelessness;
- Seek and strengthen partnerships with global and regional financial development institutions, the private sector, civil society, and local communities’ partners to achieve these goals.

In its programming, including specific project development and implementation on legal identity, IOM will adhere to the following principles:

- | | |
|-----------------------------------|---|
| • Equality and non-discrimination | • “Do no harm” approach |
| • People-centred | • Protection of privacy and personal data |
| • Rights-based approach | |

This strategy is based on IOM’s Strategic Vision 2019–2023,³ anchored in IOM’s legal framework, in particular IOM’s Constitution,⁴ and complements ongoing collaborative efforts within the UN system to address the global legal identity gap. IOM is a founding member of the UNLIA and has contributed to the United Nations Country Team (UNCT) Operational Guidelines on the Implementation of United Nations Legal Identity Agenda through the UN Legal Identity Expert Group (UNLIEG).^{5,6} At a country level, IOM will work in line with the UNLIA under the leadership of the UN Resident Coordinators, reflecting collective priorities of the UNCTs and humanitarian country teams.

³ “IOM should further explore and expand its support to the field of identity management, including digital identification – whether to facilitate pathways for regular migration and mobility, manage borders or support access to services in humanitarian situations” acknowledging that IOM’s support “is yet to be developed to its full potential” – *IOM, Strategic Vision: Setting a Course for IOM* (2019).

⁴ The IOM [Constitution](#) acknowledges in its preamble the importance for migrants to “live with their families in dignity and self-respect”. Article 1.1.c) of the Constitution stipulates that IOM’s purpose and functions are to provide migration services at the request of and in agreement with the State concerned. As per Article 1.1.e), IOM shall provide a “forum to States...for the exchange of views and experiences, and the promotion of cooperation and coordination ...on international migration issues”.

⁵ Since 2018, IOM has been contributing to the work of a time-bound, inter-agency group, UNLIEG, established at the request of Deputy Secretary-General Ms. Amina Mohammed to promote a common UN approach to legal identity. In December 2019, UNLIEG transitioned into the UNLIA Task Force co-chaired by UN DESA, UNICEF and UNDP.

⁶ UNDP, [Implementation of the United Nations Legal Identity Agenda: United Nations Country Team Operational Guidelines](#).

1

INTRODUCTION

Every individual is inherently entitled to dignity and human rights without discrimination, as enshrined in Articles 1 and 2 of the 1948 Universal Declaration of Human Rights (UDHR), which is considered international customary law. Everyone also has the right to be recognized everywhere as a person and be equal before the law without discrimination (UDHR, Arts. 6 and 7). Moreover, under the sovereignty and national law of a State, an individual has the right to birth registration, to a nationality and to not be arbitrarily deprived thereof (UDHR, Art. 15). Recognition everywhere as a person and equality before the law without discrimination is also established by the International Covenant on Civil and Political Rights (ICCPR, Arts. 16 and 26). The right to an identity starting from birth – as guaranteed in Articles 7 and 8 of the Convention on the Rights of the Child (CRC) – derives from the right to be recognized as a person before the law.⁷

From these rights and principles inherent to the human person, a sovereign State has the corollary duty to provide the means that fulfill these de jure and in practice. That is, individuals have a right to legal identity and States have the obligation to fulfil this right, including by providing proof of nationality (for their own nationals), birth and so on, as well as relevant documentation. It is to be noted that civil registration or the conferring of documentation is declaratory in nature as regards the legal identity. Every person has the inherent right to be recognized before the law; civil registration and relevant documentation are only the means of proof of this legal identity. That is, legal identity is not created by civil registration or documentation.

Moving beyond the purely legal context, it is clear that the operationalization of legal identity is paramount for individuals to effectively fulfil their rights. “Operationalization of legal identity” here refers to the provision of proof of legal identity through civil registration

or issuance of identification documents by a competent identification authority. The focus of this strategy is on systems that operationalize legal identity.

The UN operational definition of legal identity agreed between the UN system and the World Bank is: “as the basic characteristics of an individual’s identity, e.g., name, sex, place and date of birth conferred through registration and the issuance of a certificate by an authorized civil registration authority following the occurrence of birth. In the absence of birth registration, legal identity may be conferred by a legally recognized identification authority; this system should be linked to the civil registration system to ensure a holistic approach to legal identity from birth to death. Legal identity is retired by the issuance of a death certificate by the civil registration authority upon registration of death.”^a

^a UN DESA, United Nations Legal Identity Agenda

In this document, we will use “legal identity” in the operational sense, not in the legal one. “Legal identity” will be used as shorthand for “operationalization of legal identity”.

One need not look far to see the how legal identity intersects with cross-border mobility and migration. A lack of registered legal identity or a lack of proof of registered legal identity can be a major

⁷ UDHR, CRC and ICCPR represent three major international instruments of relevance for legal identity, a more detailed overview of other relevant international instruments is elaborated in Annex 1.

impediment to entering another State – as an obstacle to immigration-related procedures, such as obtaining a permit to stay or being granted a visa, as well as to accessing resident status once abroad, limiting access to employment, family reunification and other rights. Regular and safe migration is conditioned upon presenting documents issued by relevant national authorities and which foreign authorities consider valid for admission and stay on their territory. These travel or identity documents reflect the legal identity of the document holder. A lack of proof of legal identity has a detrimental effect on migrants, starting from their ability to exercise their right to leave and return to their country, extending to integration into mainstream society and, ultimately, on the effective protection of their rights.

Several factors contribute to the complexity of legal identity and civil registration for migrant populations. The interaction between legal identity, migration and mobility depends on the legal requirements defined by different countries. The relationship between national identity systems and issues including nationality, regularization, identity verification, digitization, internal displacement, humanitarian assistance, asylum, protection and governance are defined by national contexts, policy and legislation, which may expand, restrict or even eliminate a migrant's access to a recognized legal identity.

This strategy therefore focusses on legal identity as it affects four population categories of specific concern to IOM and its Member States:

1. NATIONALS IN THEIR OWN COUNTRIES WHO NEED REGISTERED LEGAL IDENTITY TO ACCESS REGULAR MIGRATION OR TRAVEL ABROAD

Legal identity is a crucial dimension of safe, orderly and regular migration and mobility of people. It is also an important element to consider

when designing and implementing migration management policies. All States have an interest in facilitating the legitimate movement of people and goods while also maintaining secure borders. Each year, a large proportion of the global population needs to present documents proving their legal identity and nationality as a basic precondition to access regular migration pathways, to be considered for admission and stay into the territory of a foreign State, and subsequently to exercise the right to return to their own State. Entry to a State, as well as acquiring resident status, is subject to admission procedures that may include obtaining a residence permit or a visa. Documentation is also necessary for transit through third countries. Successful application for admission and stay relies upon credible civil registration and identity management systems, except in the case of people requesting asylum and international protection/refugee status.

2. MIGRANTS IN FOREIGN COUNTRIES WHO REQUIRE ACCESS TO CIVIL REGISTRATION IN THE HOST COUNTRY AND IN THE COUNTRY OF ORIGIN

Other than populations protected under the 1951 Refugee Convention, migrants in foreign countries normally need to be able to present a document proving their legal identity and nationality as a basic condition to stay-related procedures, including for visa and permit changes, extensions and renewals, to obtain resident status, as well as to be considered for admission into the territory of a foreign State, or to exercise the right to return to their own State. Good migration governance and management practices from different parts of the world show that host States operate identity management systems and provide access to their national civil registration services to resident

non-nationals, with the goal of ensuring migrants' effective access to rights and services while on host State territory.⁸

Furthermore, migrants in foreign countries are also subject to difficulties related to renewal of documentation from their country of origin, or registration of vital events across multiple civil registration systems – that of the host country and the one in the country of origin. As migrants interact both with their State of nationality and their State of residence, they face the challenge of keeping their legal identity records up-to-date in the administrative systems of both States. When migrants face issues with access to legal identity documentation, including civil status documentation and proof of nationality, they may consequently become stateless over time, as ties to a country of origin become harder to prove, or when coupled with other factors such as belonging to a marginalized minority. Statelessness further complicates every facet of affected persons' lives, and undermines their enjoyment of their rights, hence the importance of contributing in a systematic way to the prevention of statelessness for migrants at risk.

Finally, migrants in vulnerable situations can see their vulnerability further exacerbated by a lack of legal identity documents. Facilitating the obtention of legal identity documents is one of the key policies for supporting migrants who are victims of trafficking, helping migrants in detention centres, or addressing the needs of migrant children, and unaccompanied or separated migrant children. A legal identity facilitates the establishment of a nationality for children, thereby contributing to preventing statelessness. A legal identity also better enables a child to seek protection from violence and exploitation. Legal identity may be requested when accessing formal education and health services, and to establish rights deriving from family law.

3. VULNERABLE MOBILE POPULATIONS, INCLUDING DISPLACED PERSONS AND VICTIMS OF TRAFFICKING, FOR WHOM LEGAL IDENTITY INTERSECTS WITH PROTECTION CONCERNS AND INTERNATIONAL HUMANITARIAN LAW

Vulnerable mobile populations are grouped in this strategy in view of the complexity in addressing their legal identity. Issues of legal identity pertaining to victims of trafficking, abuse and exploitation fall, for the purpose of this strategy, within this category of vulnerable mobile populations.

Displaced populations include those crossing borders and those remaining within national territory. When crossing borders, there are cases that are easily identified as refugees – for whom issues of legal identity fall within the aspects covered in the 1951 Refugee Convention or other regional refugee law instruments – or as persons entitled to other forms of international protection (complementary/subsidiary protection) and their coordination falls upon UNHCR and host governments with respect to registration and provision of documentation. There are also other cases where populations are allowed to enter a country of destination based on recognition of vulnerability, but not nationally defined as refugees. In the context of IOM's work, issues of legal identity for these cases require internal UN coordination, namely with UNHCR.

Displaced populations also include internally displaced persons (IDPs). While aspects of legal identity, such as access to birth registration, proof of identity and civil registration remain valid, for IOM's work, contexts of internal displacement require approaches coordinated within the humanitarian country team with emphasis on the centrality of protection.

⁸ Organization for Security and Co-operation in Europe, [Compendium of Good Practices in Identity Management in the OSCE Region](#).

4. IRREGULAR MIGRANTS FOR WHOM DETERMINING LEGAL IDENTITY IS LINKED TO A SPECIFIC COUNTRY SITUATION

Irregular and forcibly displaced international migrants may leave documents behind when fleeing, lose or intentionally destroy them during the journey, or see them confiscated by smugglers or officials. Records may be destroyed by conflict or disaster, complicating access to their national legal identity system registers. Therefore, migrants may struggle to present documentary proof of their legal identity. Determining legal identity is an important aspect of processes affecting irregular migrants, whether as part of the process of acquiring resident status, requiring assistance when in detention centres or when applying for return.

Overall, this strategy underscores the nexus between legal identity and migration and sets the direction for future IOM programme interventions based on the following three elements, further outlined in the following sections:

1. **Strategy pillars and outcomes** detailing four groups of strategic interventions that will ensure a holistic IOM approach on legal identity, including specific areas of intervention;
2. **Key principles** by which IOM will be guided when programming and implementing interventions to build national authorities' capacities or to assist migrants directly;
3. **Strategy operationalization**, providing an overview of the instruments and tools that IOM will use to support the design and implementation of the strategic pillars and outcomes.

Finally, IOM also considers new technological developments throughout this strategy, as for both national and migrant populations, online services

and digitization of identity systems have been increasingly enabling remote and more timely access to the necessary documentation and support. Approaches to digital services related to legal identity vary across countries, assuming formats that might provide direct access or supporting speedy issuance or renewal by decentralized services. This entails that issues of data protection, data governance, privacy and non-discrimination enter into play, especially as access points to central civil registration systems increase.



2 STRATEGY PILLARS AND OUTCOMES

This strategy builds on the following four pillars with the goal of achieving the related outcomes:

2.1 SUPPORTING DEVELOPMENT OF CONSULAR SERVICES TO ISSUE CIVIL REGISTRATION, CITIZENSHIP CERTIFICATES, ID AND TRAVEL DOCUMENTS

Outcome: Migrants are provided with access to civil registration and identity/travel documents issuance services in their host country, as well as documentary proof of nationality.

For migrants, keeping their legal identity information (including family relationships) up to date is essential for accessing rights and services from the country of their nationality and in their host country, as well as immigration procedures related to their migratory status. While on the territory of the host State, new vital life events take place that affect their legal identity (i.e. marriage, divorce, births, adoptions, death) and that should be reflected in the civil registration system in their country of origin. Provision of civil registration and identity management services at their consular representations facilitates international migrants' access to such services. Consular services related to legal identity can be essential for migrants for a wide range of reasons, for example to process visa or permit changes, renewals and extensions; apply for family reunification; assist migrants in detention as well as those who wish to return to their country of origin, or those who need documentary proof of nationality.

Migrants may no longer be able to present documentary proof of legal identity or documentary proof of family relationships issued by their country of origin. The needs of migrants without documentary proof



of legal identity can be best addressed if consular representations or competent authorities have a capacity to efficiently process requests for verification and issue appropriate documentary proof of legal identity. This support is all the more crucial for supporting migrants who are victims of trafficking, those held in detention centres, and for addressing the needs of migrant children and unaccompanied or separated migrant children. Specific safeguards and measures should be developed where relevant, in coordination with UNHCR, to ensure mechanisms are in place for immediate referral of potential asylum seekers and refugees and differentiated procedures with regards to countries of origin.

Areas of intervention:

a. STRENGTHENING CIVIL REGISTRATION SERVICES TO ISSUE PROOF OF NATIONALITY AND TRAVEL DOCUMENTS AT CONSULAR REPRESENTATIONS

IOM will provide technical assistance to consular representations to strengthen their capacity to provide services to issue civil registration, proof of nationality and travel documents to their nationals abroad. For as long as the parameters set out in this strategy are met, the assistance will be extended to include the implementation of digitized civil registration and identity management services that are linked online with national legal identity system, which also supports issuance of civil registration-related certificates and documentary evidence to support migrants with immigration-related procedures, including visa or permit application, renewal and extension, or family reunification.

IOM seeks to assist migrants in obtaining critical civil status documentation and/or to prove their nationality, which is generally key for obtaining travel documentation. To assist migrants in obtaining documentation, IOM often liaises extensively with consular authorities, whether in emergency contexts or not. Processes for obtaining documents can be quite daunting or simply impossible for migrants alone, as they often involve complex procedures, burdensome and expensive travel, fees, and sometimes additional obstacles such as corruption, extortion and discrimination.

IOM's objective is to ensure rapid access to consular services for migrants in need. To this end, IOM strives to increase access to consular services and their geographical coverage. This is achieved, in part, by financial support for consular missions, but also includes capacity development and logistical support.

For example, IOM supports migrants in Libya to connect with their respective consular authorities on Libyan territory, abroad or through online consular services. It also supports consular authorities with gaining access to their nationals in or outside of detention, and referring cases where necessary. Irregular migrants in Libya often lack civil status documentation and travel documents. Contact with consular authorities is particularly trying in the Libyan context, since many embassies and consulates are not present on the Libyan territory itself, but rather in neighbouring countries. Access to consular authorities is instrumental for migrants who wish to voluntarily return to their country of origin through the IOM voluntary humanitarian returns programme, particularly for those in detention who have no other means of external contact. IOM assists with ensuring that migrants understand the complex procedures and can prove their nationality to ultimately obtain the necessary travel documentation needed to return home, when they wish to do so. IOM can assist migrants to obtain testimonies – for example from community leaders present on Libyan territory – that are often requested by consular authorities as corroborating evidence of an individual's nationality, to enable the issuance of travel documents.

IOM has been recommending that consular authorities deploy more human resources and rethink their procedures for determining proof of nationality or permanent residence, to expedite the delivery of the necessary documents. It has also supported consular visits to enable countries wishing to send a mission to transit countries such as the Niger to provide travel documents to their nationals and, at the same time, to establish mechanisms for the issuance of travel documents.

b. PROMOTING BILATERAL (AND REGIONAL) POLICIES THAT ARE RIGHTS-BASED, INCLUDING MEASURES FOR UPDATING VITAL EVENTS OF RELEVANCE TO THE MIGRANT IN BOTH HOST COUNTRY AND COUNTRY OF ORIGIN

States are looking to conclude bilateral and multilateral agreements to share data on registered vital events of migrants between country-of-residence and home-country authorities to ensure that these events are reflected in the identity systems of both countries. IOM will support States wishing to exchange data, with advice on technical implementation as well as on data protection, non-discrimination and human rights law, only when it is in the full respect of the principles and content of this strategy.

IOM encourages States to further engage in education campaigns about the requirement and benefits of birth registration and to increase the capacities of civil registration authorities, in the receiving country and through consular authorities, for both regular and irregular migrants. Barriers to birth registration of the latter, whether by law or in practice, should be lifted. Only with such measures, and more, will we see the number of people at risk of statelessness decrease, which is part of the fight against statelessness. Finally, IOM, together with UNHCR, encourages countries to review their laws such that nationals are protected against loss of nationality on account of residence abroad where doing so would render them stateless.

c. ENHANCE CONSULAR SERVICES TO SUPPORT NATIONALS ABROAD WITHOUT DOCUMENTARY PROOF OF LEGAL IDENTITY

IOM will support consular representations to strengthen their capacity to follow up on the cases of their nationals without documentary proof of legal identity, such as: victims of trafficking, migrants in detention centres, addressing the needs of migrant children, notably unaccompanied or separated migrant children, and facilitating return processes for migrants lacking a proof of nationality.

2.2 ASSISTING MIGRANTS WITHOUT LEGAL IDENTITY DOCUMENTS

Outcome: Vulnerability of migrants without legal identity documents addressed through appropriate assistance services.

Regardless of the reasons for not being able to present legal identity documents, migrants may face obstacles to accessing services that are conditioned upon presenting a legal identity document. These include services where IOM has been traditionally providing support to migrants, such as: voluntary return, emergency evacuations and readmission or strengthening regular migration pathways. This often means that it is not possible for migrants to obtain documents due to having lost contact with their country of origin or former habitual residence or due to a lack of such services provided by their country's consular representation. In such cases, obtaining a legal identity document without external assistance may become very difficult.

IOM is positioned to support the provision of documentation services, focusing specifically on the needs of migrant populations, including access to proof of nationality and/or travel documentation, or other services that may require access to documentation. IOM will advocate for processes of residence status regularization and, when necessary, support migrants to register their legal identity information in the legal identity system of the host country. This advocacy however will be provided only in the instances when the process is clearly defined, and conditions for migrants registering satisfy principles upon which this strategy is built.

Areas of intervention:

a. ASSISTING MIGRANTS TO OBTAIN PAPER-BASED OR DIGITAL EVIDENCE OF LEGAL IDENTITY

IOM can assist migrants lacking civil or other documentation in accessing such documents. Such efforts, which may include facilitating migrants' access to consular assistance or to documentation services managed by national authorities to obtain identity documents, including proof of nationality, and which are particularly important with respect to unaccompanied or separated migrant children, migrants in detention, victims of trafficking, smuggled migrants in vulnerable situations, second generation migrants, migrant-descendent minorities, nomadic and cross-border populations, IDPs and other migrants fleeing conflict or natural disasters.⁹ These activities, undertaken by IOM offices around the world in coordination with key partners, will be further strengthened and provided in a coordinated approach informed by global good practices.

Undocumented migrant children are at greater risk of statelessness, trafficking, child labour, child marriage, illegal adoption, sexual exploitation and recruitment into armed forces and groups. IOM assists unaccompanied migrant children with family tracing to locate their parents, establish where they came from, and recover identity and other documents.

In North Africa, IOM has deployed efforts in Tunisia and Libya to improve the best interest determination procedure for unaccompanied migrant children and to help those children in obtaining the necessary documentation to access their rights and local services, return home, or to reunite with family abroad. In Libya, IOM has conducted trainings for consular authorities on the best interest assessment and best interest determination processes, since consular authorities engage in these as well as in family tracing. IOM has also assisted migrants with registering their children at birth and has raised awareness on the need to go beyond a mere birth notification issued by a healthcare provider in order to ensure the child's access to rights and services.

⁹ Anne Althaus and Laura Parker, [Preventing statelessness among undocumented migrants: the role of the International Organization for Migration \[blog post\]](#) (2019).

b. EXPLORING POSSIBILITIES AND, AS APPROPRIATE, SUPPORTING IRREGULAR MIGRANTS OR MIGRANTS CAUGHT IN CRISIS SITUATIONS WITH RECORDING THEIR VITAL EVENTS WHEN UNABLE TO ACCESS SERVICES DIRECTLY

Lack of access to identity documents is a key factor of vulnerability for migrants caught in crisis situations. Lack of legal identity and loss and destruction of documents might prevent migrants from accessing services and assistance, reduce their willingness to seek help for fear of arrest and deportation, and reduce their ability to leave a crisis-affected country.

To address these conditions of vulnerability and promote access to basic crisis assistance, IOM advocates for emergency service provision that is not conditional on the availability of identity documents, or for the issuance of service cards to all migrants, regardless of status, and the firewalling of immigration enforcement and emergency service provision. IOM also works to prevent and address exploitative behaviours that hinder migrants' access to their identity documents (as is the case when employers and recruiter or traffickers withhold them).

IOM will seek to establish new partnerships and referral mechanisms and reinforce existing ones for the (re)issuance of identity documents for crisis-affected migrants, involving institutions in their home (e.g. consular representations, ministries of foreign affairs) and host countries. Through its offices in various countries, IOM will continue facilitating the international coordination processes to issue identity documents needed for crisis assistance and international evacuations (e.g. through issuance and delivery of certificates, nationality verification).

In the context of camp coordination and camp management, IOM will explore possibilities and, provided that the strategy principles are fulfilled

and safeguards are in place, implement services to record vital events of migrants caught in crisis situations. When the necessary conditions are in place and strategy principles satisfied, these records could be recognized by appointed national authorities as valid notifications to complete the registration process.

2.3 SUPPORTING NATIONAL CIVIL REGISTRATION AND IDENTITY MANAGEMENT SYSTEMS TO FACILITATE REGULAR MIGRATION AND MOBILITY

Outcome: Nationals can prove legal identity to exercise their right to leave their country, apply for admission and stay in a third country and/or return to their country in an orderly and safe manner, while benefiting from their rights throughout the migratory process.

The right of everyone to recognition everywhere as a person before the law (UDHR, Art. 6; ICCPR, Art. 16) is intrinsically linked with the recognition of one's legal identity. As States are ultimately responsible for recognition of individuals before the law, they are also responsible for putting in place legislative and administrative frameworks that cater for the registration and recognition of the identity of the individuals on their territory and through their consular authorities for their nationals abroad. Crucially, legal identity is a precondition to accessing mobility and travel, through admission and stay procedures. In migratory contexts, documentary proof of legal identity is essential for meeting the criteria in permit or visa applications and being able to enter a third country or return to the country of origin in a regular, orderly and safe manner, as well as for facilitating, among others, effective, equal access to justice, the right to family unity, or the right to property. By developing robust holistic national legal identity systems built on national civil

registration and identity management systems and in compliance with human rights safeguards, States can increase the guarantee that the identity information on the travel document (passport or ID card) reflects the legal identity of the person and mitigate concerns that national legal identity systems might be exploited to create multiple or fabricated legal identities, while ensuring that every national benefits from a secure legal identity document. With robust national legal identity systems – that are themselves human rights compliant – States can ensure their nationals can use their documents to access regular migration pathways, contributing to orderly and safe cross-border mobility.

Access by migrants to civil registration and identity management in their host State is also important for ensuring their access to regular migration to a third country, along with the rights guaranteed by the State and integration into the host society. Legal identity documents may be requested when accessing formal education and health services, and are a condition for buying, selling, registering or inheriting property, as well as protecting rights deriving from family law. In many countries, legal identity documents are increasingly becoming conditions for entering the labour market. By allowing registration of vital life events in the civil registration system, migrants can use certified proof of registration to update their legal identity information in their country of nationality's national identity system.

Areas of intervention:

a. STRENGTHENING NATIONAL CIVIL REGISTRATION AND IDENTITY MANAGEMENT SYSTEMS

IOM assistance will align with UNLIA in recognizing the importance of a non-discriminatory life cycle approach to legal identity from

birth to death. By aligning with this approach, IOM will underscore the importance of holistic approaches to registration of vital events (civil registration) and identity management (civil identification) as a seamless national identity system to allow access to mobility, along with equal access to rights. As part of UNCT responses on overhauling and strengthening national legal identity systems, IOM will support the development and implementation of national programmes for strengthening inclusive national legal identity systems to include marginalized and excluded populations, with emphasis on migrants, in accordance with the central promise of the 2030 Agenda and its SDGs to leave no one behind. To that end, IOM will support governments in designing and implementing national information and communication technology systems for legal identity data storage and processing, reflecting global good practices in this area and as long as the intended systems satisfy the strategy's principles. IOM will aim to support the development of digitized data keeping and processing of registered vital events and support digitization of paper-based archives of legal identity from birth until death in line with the IOM endorsed Principles on Identification for Sustainable-Development.¹⁰

This will contribute to supporting nationals in a given country as well as those residing abroad with online access to registered information, including for immigration related purposes.

IOM will also support national campaigns to provide legal identity documentation to populations who have none, either through late birth registration or State wide national identity cards roll-out.

¹⁰ World Bank, [Principles on Identification for Sustainable Development: Toward the Digital Age](#) (2021).

Throughout its document verification programme, IOM facilitates in-person verification visits to document issuing authorities to check the integrity of documents submitted in support of immigration and visa applications. The programme operates in 35 countries across the West and Central Africa, East Africa and the Horn of Africa, and Southern Africa regions. The need for these activities derives in large part from the lack of reliability of documents originating from places of fragile civil registration procedures and weak record keeping practices, as well as the lack of capacity for immigration authorities to verify these documents in geographically challenging or complex operating environments, and where digital based verification is impossible.

The information gathered by IOM during these verification checks helps enhance the capacities of its Member States to validate legitimate applications for regular migration along with their more efficient processing. By facilitating these checks, IOM helps fill the gaps within national civil registration and identity management systems to ensure migrants can access regular migration pathways.

b. SUPPORT STRENGTHENING OF NATIONAL IDENTITY CARD AND TRAVEL DOCUMENTS ISSUANCE PROCESSES

IOM will promote the International Civil Aviation Organization (ICAO) traveller identification programme strategy and the five elements of its holistic approach to international traveller identification. IOM will support governments to use population or civil registers as reliable

source of legal identity data in the process of issuing travel documents and national identity cards. This will enable their citizens to access, among others, regular migration pathways, especially in the instances where, as per bilateral and multilateral agreements, identity cards can be used as travel documents. Assistance will be also provided for the integration of national legal identity systems with border management systems in line with this strategy's principles.

IOM supports governments to provide evidence of identity. IOM has, for instance, conducted assessments of national identification management practices in Afghanistan, Armenia and Belarus and produced recommendations aligned with the *ICAO Guide for Assessing Security of Handling and Issuance of Travel Documents*. IOM has conducted integrity assessments of machine-readable travel documents (MRTDs) in Afghanistan, Armenia, Azerbaijan, Belarus, Belize, Cambodia and Sri Lanka. In Iraq, Jordan, Libya and the United Republic of Tanzania, IOM has rolled out biometric registration systems at migrant accommodation centres to facilitate the issuance of ID cards to undocumented migrants and to enhance their protection. Additionally, IOM promotes international sharing of travel document samples to prevent travel document fraud in alignment with the *ICAO Guide for Circulating Specimen Travel Documents*. Through its 56 visa application centres worldwide, IOM facilitates visa applications on behalf of visa issuing governments.

In Armenia, Belarus and Georgia, IOM promotes best practices in identification management, with a focus on secure breeder

documents and prevention of identity fraud, in alignment with the ICAO *Guide Towards Better Practice in National Identification Management*. IOM has also engaged in information campaigns, encouraging populations to participate in civil registration programmes.

IOM promotes best practices of MRTD procurement to ensure ICAO compliance and document security in Afghanistan, Armenia, Belarus and Timor-Leste, in line with the ICAO *Guide for Collection of Best Practices for Acquisition of MRTD Goods and Services*. In coordination with UNHCR, IOM provides assistance to States in producing ICAO Convention-compliant travel documents, in line with the ICAO–UNHCR *Guide for Issuing Machine Readable Convention Travel Documents for Refugees and Stateless Persons*. IOM has conducted tenders and roll-outs of national passports, electronic passports, visa foils and ID cards for multiple governments including Afghanistan, Armenia, Belarus, Belize, Cambodia and Timor-Leste as well as for the ECOWAS Regional Economic Committee.

c. SUPPORTING IDENTITY MANAGEMENT SYSTEMS AND CIVIL REGISTRATION OF MIGRANTS

IOM will contribute to strengthening the technical capacities of authorities responsible for identity management to ensure that resident non-nationals are provided with an identification document (where national regulatory framework regulates issuing such documents and in line with international standards and the law) and that they can use as their identity document to access specific services provided by the

State in protection of their human rights and to update their migratory status. The systems will be strengthened to accurately examine presented documentary evidence of legal identity in the process of the document issuance and to reflect new characteristics of legal identity as new vital events are registered.

Through the IOM migration information and data analysis system (MIDAS), Venezuelan refugees and migrants in Ecuador were registered to determine their eligibility to access humanitarian visas. A total of 165,761 Venezuelan refugees and migrants were registered with their biographical and biometric information, while information on residency, studies, travel details, medical information, dependents, and supporting documents was also collected. This process was a prerequisite to determine their eligibility to access a humanitarian visa, allowing the relevant institutions to analyse the data collected towards policymaking/dissemination of information guaranteeing access to rights.

In Libya, Burkina Faso nationals wanting to return to their country and not holding proper documents were registered using mobile MIDAS kits (through the collection of biographical and biometrical information) and were provided with an ID card. This information was shared with databases in Burkina Faso, allowing their identification and return to their country, after prior verification that the document they were carried was genuine and issued by MIDAS.

The Government of Belize issues an ID card with a specific permit type, for example students or temporary employment, containing information in a machine-readable format. When travellers approach the border and are registered with MIDAS at the point of entry, MIDAS verifies whether the document is genuine and issued by the government, since MIDAS is linked to the national ID database, comparing the information on the card against the database. This solution facilitates cross-border mobility, while ensuring a registration process for migrants.

2.4 PROVIDE THOUGHT LEADERSHIP ON THE NEXUS BETWEEN MIGRATION, DISPLACEMENT, AND LEGAL IDENTITY, INCLUDING THEIR IMPACT ON THE PROTECTION OF MIGRANTS

Outcome: IOM contributes to the development of global policies and strengthening of existing policies aimed at providing efficient assistance to migrants to register and, as appropriate, update characteristics of their legal identity.

With the understanding that IOM is not a norm setting authority, IOM will aim to provide a platform for global discussions to raise the profile of the importance of advancing legal identity standards and recommended practices, to be able to respond to new migration challenges. More specifically, IOM will provide a global platform for research and sharing of good practices on how to improve:

- National legal identity systems in accordance with international law, including human rights law;
- Cross-border bilateral and multilateral cooperation to enable sharing of information on registered vital events in civil registers of their nationals residing abroad, including possibilities for cross-border verification of legal identity directly in national legal identity systems, when this is in line and fully in accordance with international law, standards and this strategy.

IOM will further facilitate dialogue and promote good practices on policies to facilitate access to legal identity for irregular and forcibly displaced migrants whose legal identity cannot be determined, and in particular where access to legal identity records in their home country is not possible.

3

STRATEGY
IMPLEMENTATION

Building on the needs of countries or migration situations that require tailored legal identity support, IOM programme responses will be developed to operationalize the above-mentioned strategic pillars and outcomes. This will be done by leveraging existing IOM technical expertise and capacities and partnership opportunities within UN and non-UN agencies. These capacities shall be scaled up as per implementation requirements needs.

To that effect, IOM will:

3.1 LEVERAGE AND EXPAND EXISTING IOM INSTITUTIONAL AND TECHNICAL CAPACITIES

When developing legal identity programmes, IOM will draw upon existing expertise and institutional knowledge in identity management. This expertise will be utilized to advise governments on the specifications for their national digital identity system infrastructure and the design of specific digitized registration processes, in full compliance with applicable international norms and principles set out in this strategy.

IOM will strengthen internal technical and human resources through appropriate institutional financial arrangements to integrate these services in seamless capacity-building assistance products. IOM missions will adjust these products to the needs of countries in which they are operating. By expanding resources to address legal identity in a systematic way, IOM will ensure that legal identity programmes are consistent across all IOM divisions.

3.2 PURSUE AND STRENGTHEN A “WHOLE-UN-APPROACH” IN DELIVERING HOLISTIC AND CONCERTED SUPPORT TO STRENGTHEN INCLUSIVE NATIONAL LEGAL IDENTITY SYSTEMS THAT CONFORM WITH INTERNATIONAL LAW AND STANDARDS AND THAT CONTRIBUTE TO REDUCING STATELESSNESS

At a country level, IOM missions will contribute to UNCT support for Member States and provide IOM’s perspective on legal identity to feed into common country analyses. This work, where possible, will be included as a programmatic intervention under the respective United Nations Sustainable Development Cooperation Framework, which serves as the core accountability tool between the UNCT and the host government, as well as between and among UNCT members for collectively owned development results.

At a global level, IOM will work in collaboration with other UN entities to support governments in overhauling and strengthening their identity



management systems. By targeting and addressing the problems of lack of legal identity, marginalization, exclusion and discrimination, together with the lack of universal civil registration, efforts by IOM will support the implementation of the UNLIA overall. With the overarching goal of meeting the SDGs, IOM will aim to facilitate international cooperation, dialogue, and provide thought leadership on the nexus between migration, including displacement, and legal identity. To that end, IOM will seek to foster its convening role and thought leadership within the UN system as well as in the UNLIA task force that includes IOM.

IOM will seek to closely coordinate with UNHCR and other relevant stakeholders on issues of legal identity related to refugees and stateless populations.

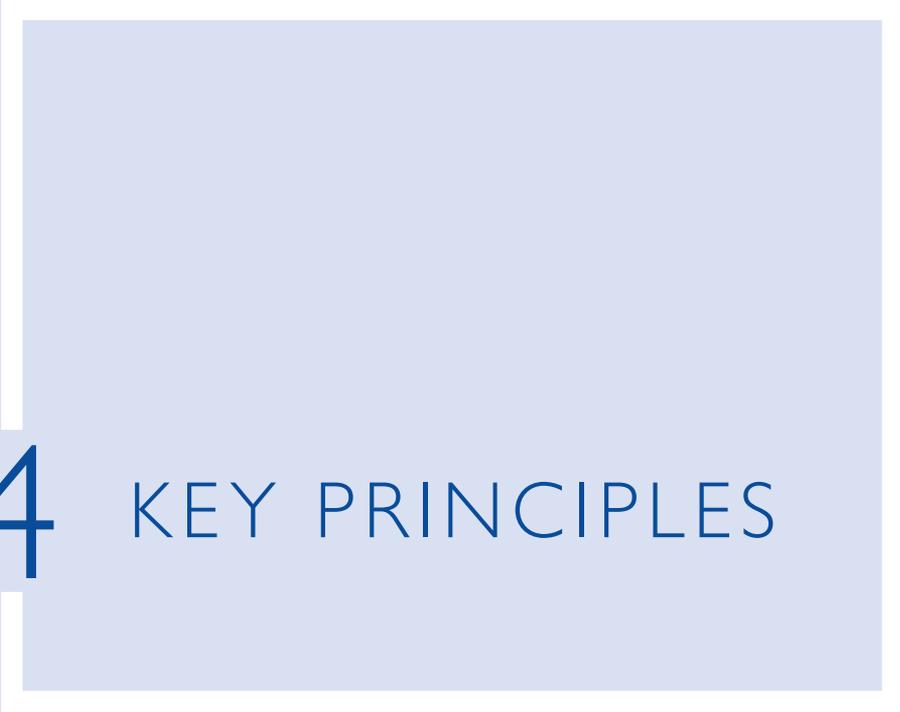
3.3 SEEK AND STRENGTHEN PARTNERSHIPS WITH GLOBAL AND REGIONAL FINANCIAL DEVELOPMENT INSTITUTIONS, THE PRIVATE SECTOR, CIVIL SOCIETY, AND LOCAL COMMUNITIES' PARTNERS

IOM will seek to expand partnerships with global and regional financial institutions, such as the World Bank, as well as bilateral donors to develop assistance to address the legal identity needs of migrant populations. When programming and implementing legal assistance-related interventions, IOM will nurture relationships with the private sector to take advantage of the latest technologies that can improve processing of legal identity information and facilitate access to legal identity documents, provided that these technologies can be deployed in line with the principles of this strategy.

IOM will actively consult with civil society, think tank organizations and local community partners to ensure sufficient accountability and that all activities follow the migrant-centric approach on which this strategy is built.

IOM will cooperate with partners and contribute to processes that promote good practices and human rights-based policies to advance legal identity systems, such as the Principles on Identification for Sustainable Development.¹¹

¹¹ Ibid.



4

KEY PRINCIPLES

In programming and assistance provision on legal identity, IOM will consistently abide by the following principles across its programmes:

PEOPLE-CENTRED

IOM promotes and works to protect the dignity, well-being and rights of the populations and individuals it serves, and keeps them at the centre of its activities and approaches, in accordance with its mandate. IOM recognizes that mobile and displaced populations, due to their situation, may face discrimination or other barriers to accessing rights and services; these intersect with individual factors such as their age, gender, disability or because they pertain to a minority group. IOM is committed to working with and for the population it serves, through accountability mechanisms, consultative and participatory approaches, direct service provision, providing a platform for their voices to be heard, and empowering vulnerable populations and communities to embrace the positive and address the negative aspects of migration, in accordance with best practices and applicable international migration and human rights law and standards.

RIGHTS-BASED APPROACH

The Organization is guided by the principles enshrined in the Charter of the United Nations, and the Organization follows a rights-based approach. As per the IOM Constitution, respect for the rights, dignity and well-being of migrants are paramount and the Organization is committed to upholding the human rights of all, including migrants.

IOM has always assisted governments to effectively implement international human rights standards and will continue to do so. IOM work on legal identity is rights based in that it respects the human rights and other rights of migrants in all its endeavors linked to legal

identity. This supposes appropriate safeguards in a domain intrinsically linked to data protection and fundamental freedoms and rights. IOM also aims to enable migrants to exercise their rights and, to that effect, will support governments to build frameworks for observance of these rights. IOM activities will be designed to empower migrants as key actors in their own development rather than being ruled by external events. Programming of legal identity assistance will be guided by the goal to reduce marginalization and exclusion of migrants and to support their integration into society, in accordance with the rule of law. IOM programming in legal identity will also provide for information of and participation by beneficiaries, as well as for transparency and accountability. In the area of international migration, the Organization will remind governments and the public of the rights of all human beings, including migrants, in line with the values enshrined in its Constitution.

EQUALITY AND NON-DISCRIMINATION

Services designed to assist migrants or to support government policies will be conditioned upon satisfactory, systematic analysis of potential harmful and discriminatory impacts prior to their adoption. This approach will ensure that, in the process of service delivery, nobody may be discriminated against (in law or in practice) on the basis of their age, origin, nationality, ethnicity, language, religion, beliefs, opinions, political activity, trade union activity, family relationships, state of health, disabilities, sexual orientation, sex or other personal characteristics.

“DO NO HARM” APPROACH

With the view to upholding the human dignity and well-being of migrants, programming on legal identity will be subject to context analysis to avoid exposing migrants and other affected communities

to additional risks. IOM will aim to mitigate potential negative effects on individuals, communities, the social fabric, the economy and the environment. Meaningful engagement with beneficiaries will be delivered through improved accountability towards them, conducting regular context analysis and understanding community dynamics in which projects take place, as well as acceptance in an intervention area.

PROTECTION OF PRIVACY AND PERSONAL DATA

National legal identity systems can carry significant privacy risks, which in turn may lead to adverse impacts on a broad range of human rights. Digitized national legal identity systems face great challenges regarding, in particular, the security of the personal data stored within them.

IOM can support States in the development of statewide computerized national legal identity systems that respect the right to privacy and align with international, regional and national data protection law and standards. Data protection, by design and by default, is paramount in the creation of a national legal identity system. Personal data can be processed, including shared externally, only for as long as a legal base for it is defined in the law.

At the same time, only the necessary data should be processed, and they should only be used for the intended, specified purpose. Data must be collected in a human right compliant way, for example in the respect of human dignity, without any use of force or discrimination. The use of the data must also be in compliance with human rights law; for example, it must not lead to discrimination, degrading treatment or even violation of right to life.

Personal data need to be given comprehensive protection against

unauthorized access. Data subjects should be entitled to receive information, free of charge, concerning data about them that has been collected or otherwise processed. They should also be able to request, for example, to access, correct or delete their personal data and to raise complaints in case they consider that their data protection rights have not been respected.

If, at any point, legal identity data is processed by IOM, that processing will be guided by the IOM data protection principles.¹²



¹² IOM, [IOM Data Protection Manual](#) (2010).



5 IMPLEMENTATION SAFEGUARDS

To ensure that the strategy implementation, programming and assistance delivery fully comply with the strategy principles, IOM will conduct preliminary risk assessments and ensure that the following safeguard measures are in place.

INCLUSIVE CONSULTATIONS WITH AFFECTED STAKEHOLDERS TO INFORM PRELIMINARY ASSESSMENT

To ensure that legal identity systems are effective, and that they respect and promote the human rights of all concerned, IOM will carry out on its own, or in cooperation with other UN agencies, comprehensive human-rights and privacy impact assessments before moving to the implementation phase. In line with the IOM commitment to responsive, inclusive, participatory and representative decision-making and to a rights-based approach in programming, legal identity related programmes will be based on broad, inclusive consultations with all affected stakeholders and, in particular, with concerned migrants, to ensure the key principles outlined in this strategy are respected.

DEVELOPED LEGAL IDENTITY SYSTEMS ARE NECESSARY AND PROPORTIONATE MEANS TO ACHIEVE LEGITIMATE OBJECTIVES

Many countries implementing or considering the implementation of new legal identity systems do not have appropriate legal frameworks that protect the right to privacy of all people concerned and other concerned rights (such as rights not to be discriminated against). Even though the number of States adopting data privacy laws is rising, such laws may not be sufficient without the technical or institutional capacity to implement or enforce them. Moreover, privacy laws are especially lacking in States with a weak rule of law and low levels of political rights and civil liberties, which considerably enhances the risks

described above of violation of data protection, privacy and use of data that violates other individual rights.

Since the collection, sharing and other processing of personal data in legal identity systems constitutes an interference with the right to privacy and other rights, such systems must be based in publicly available, sufficiently precise law, with supportive safeguards and mechanisms. IOM stands ready to provide technical advice on setting up systems, and including advice on the necessary legal bases. IOM support to strengthening of systems processing legal identity data will be subject to States demonstrating that these systems have a legitimate objective; in particular, that they will not be misused, for example for discriminatory purposes, and that a given system is a necessary and proportionate means to achieve that objective. States must also demonstrate that there will be no unauthorized use of data, and IOM will be vigilant regarding this risk when engaging with States – and support them to guarantee the above.

A LEGISLATIVE FRAMEWORK, REGULATING ACCESS TO AND PROTECTION OF INDIVIDUAL INFORMATION, IS IN PLACE

So-called “function creep” is the phenomenon of continuously expanding forms of use of personal data once they are collected and stored. For example, biometric data initially collected with the sole goal of issuing identification cards could, at a later point, be made accessible to law enforcement and intelligence agencies for surveillance purposes. With the goal of mitigating and ultimately eliminating these risks, IOM will seek, and provide support as requested, to ensure that unambiguous and robust legislative frameworks as well as government policies are in place that respect the right to privacy and align with international, regional and national protection law and standards. IOM

support will be conditional on demonstrated political commitment to developing and implementing such robust legislative frameworks.

MECHANISMS FOR REDRESS ARE IN PLACE FOR CASES OF INCORRECT IDENTIFICATION OR VIOLATION OF PRIVACY

IOM support to the development of legal identity systems will be conditioned upon the existence of mechanisms enabling persons whose identity information is processed to resolve cases of incorrect identification or use of personal data as well as violation of privacy, with sufficient access to these procedures even for people in vulnerable situations, to leave no one behind. Any person whose identity information has been processed should also be able to request, for example, to access, correct or delete their personal data and to raise complaints in case they consider that their data protection rights have not been respected.



ANNEX 1

LEGAL FRAMEWORK OF LEGAL IDENTITY
UNDER INTERNATIONAL MIGRATION LAW

INTRODUCTION AND SUMMARY

From the rights inherent to the human person, a sovereign State has the corollary duty to provide the means that fulfill these de jure and in practice. Legal identity registration is granted to this effect. “Legal identity” is an expression that is, however, not defined in international law. In this case, “legal identity” relates to the administrative recognition of the person through an official registration or identification procedure by the State and under the rule of law in order to legally attest their identity as that person.

Because any individual exists before the law by their mere existence (UDHR, Art 6.), legal identity conferred by a State is declarative. States are primarily responsible for registering legal identity and issuing identity documents. In this regard, the main purposes of civil registration are to establish a relationship between individuals and a State and to ensure the rights that derive from this legal identity under the State’s laws.¹

Legal identity, however, belongs to the person, not to the State.² Nevertheless, the administrative means of conferring and proving legal identity might be property of the State, such as passports.

Legal identity documentation can thus contribute to fulfilling the human right to be recognized as a person before the law (UDHR, Art. 6); that is, to have the necessary documentation under the rule of law for that recognition to effectively take place. In this sense, legal identity documentation is a corollary and procedural right of the individual and a duty of the State, helping fulfil several rights and enabling access to other rights. This shows the universality and interdependence of human rights for all individuals, including migrants.

Access to other human rights does not and should not depend on the possession of a legal identity registered by a competent authority, since all human rights are inherent to all human beings without discrimination. However, not possessing an official document attesting a person’s legal identity is too often a barrier that effectively prevents the enjoyment and realization of human rights for millions of people worldwide, in particular those that are left behind, are marginalized, face human rights violations, and fall through the cracks of the social fabric. This can be the case for stateless persons, many stranded migrants, refugees and asylum seekers, migrants in vulnerable situations, victims of trafficking, unaccompanied migrant children, homeless persons, persons with disabilities, indigenous peoples, victims of violence, persons displaced due to conflict and negative environmental impacts – among others.

A lack of legal identity documentation can also further exacerbate such people’s situation by exposing them to additional acts of discrimination and violations. In some cases, a legal identity document can be a temporary solution in cases of conflict, emergencies and humanitarian situations, which could allow migrants’ access to certain rights and services during these times, as well as being a solution for stateless persons, or other migrants, that is timebound until more durable and preventive solutions are adopted that address the issue of nationality and other rights.

In this sense, legal identity registration and issuance of proof thereof is an operational or procedural norm that is a State duty stemming from human rights in order to support the fulfilment of its core

¹ Ann Livingston, “[Civil registration and legal identity in humanitarian settings](#)” [blog post] (2019).

² While States have the primary responsibility to confer legal identity, conferring legal identity to refugees, for example, may be administered by the internationally mandated authority, UNHCR.

obligations towards individuals under its jurisdiction.³ For example, a State has the duty to respect, protect and fulfil the right to recognition before the law of an individual under its jurisdiction by: not unduly interfering with legal identity (respect); preventing lack of identity as well as statelessness by adopting national laws in this regard (protect); making it an administrative procedure to recognize a person before the law (protect); and making it valid in practice with official documents (fulfil). The right to nationality and the duty to prevent and remedy statelessness also oblige States to adopt laws and measures to that effect and to address these.

Addressing only the lack of legal identity without also addressing statelessness, or other rights of migrants related to protection, is insufficient from the point of view of international law and States' obligations to respect, protect and fulfil rights. Conferring a legal identity must, indeed, never be a way to elude the obligations with regard to reducing statelessness.

Noteworthy is Objective 4 of the Global Compact for Safe, Orderly and Regular Migration, under which States committed "to fulfil the right of all individuals to a legal identity by providing all our nationals with proof of nationality and relevant documentation", among others, and listed measures to achieve that goal. Objective 4 also confirms that States must address lack of nationality as well as lack of legal identity when both are missing.

Moreover, the operationalization of legal identity must never be conducted to the detriment of other human rights. In addition, data collected from an individual to provide them with a legal identity must be collected in full compliance with human rights law (right to privacy, prohibition of torture or cruel and inhuman treatments, prohibition of discrimination, etc.).

INTERNATIONAL MIGRATION LAW NORMS SUSTAINING LEGAL IDENTITY

The normative framework sustaining "legal identity" derives from norms established by existing branches of international law, including jurisprudence and soft law instruments. Important norms for the legal identity of migrants derive from different branches of international migration law (IML), mainly: human rights law, nationality law, refugee law, consular law, transnational criminal law, labour law and aviation law.

The core principles framing legal identity for all humans is set out in the 1948 UDHR, mainly: freedom and equality in dignity and rights (Art. 1), non-discrimination (Art. 2), recognition everywhere as a person and equality before the law without discrimination (Arts. 6 and 7) and the right to a nationality and to not be arbitrarily deprived of one's nationality nor denied the right to change one's nationality (Art. 15). Recognition everywhere as a person and equality before the law without discrimination is also established by the ICCPR (Arts. 16 and 26).

Further underpinning legal identity for migrants is the cross-cutting human rights principle of non discrimination, which is a non-derogable norm of international customary law and foundational to the nine core international human rights treaties. For example, States parties to the International Convention on the Elimination of All Forms of Racial Discrimination undertake to prohibit and eliminate discrimination on account of race, colour, or national or ethnic origin, including in the enjoyment of the right to nationality (Art. 5). This means that there must be no prohibited distinctions and that barriers and hurdles

³ Such as freedom and equality in dignity and rights, non-discrimination, recognition everywhere as a person and equality before the law without discrimination, and right to a nationality.

to access to legal identity must be lifted through positive measures such as outreach for information, adequate means of communication and languages, reduced fees and so on. Legal requirements must also not be insurmountable, otherwise they end up being discriminatory. Marginalized minorities may be particularly vulnerable after displacement (including IDPs), because they previously lacked access to official documents.⁴ Additionally, in cases where civil registration records have been destroyed – through disaster, conflict or coercion – States must adopt legislation and measures to enable individuals to re-establish their legal identity and their nationals to establish their nationality.

Legal identity is therefore a corollary of the above norms, as well as closely and mutually linked to the right to a nationality and to preventing statelessness, as well as to other rights relevant in the context of migration. Although legal identity does not in itself confer nationality to persons, including migrants, legal identity documentation can facilitate administrative and migration-related processes to access other rights, which could in some cases lead to the issuance of protection status and measures, travel documents, visas, permits and proof of nationality or granting of nationality, on a case-by-case basis and in conformity with national laws and international law obligations.

Every child has a right to birth registration, to a name and to acquire a nationality (CRC, Art. 7 and General Comment No. 6 §12; ICCPR, Art. 24). These rights of every child apply equally to all migrant children, irrespective of the parents' immigration status. While birth registration may not in itself prevent statelessness, it can provide proof of birthplace and parentage, which are elements that may confer nationality, or other official documentation, depending on a State's national laws. Each child

of a migrant worker shall also have the right to a name, to registration of birth and to a nationality (International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), Art. 29). Every child has a right to preserve their identity, including nationality, name and family relations as recognized by law without unlawful interference, and where a child is illegally deprived of some or all of the elements of their identity, States parties shall provide appropriate assistance and protection, with a view to rapidly re-establishing their identity (CRC, Art. 8) – by registration and/or documentation.

For example, in the 2019 case of *R.K. v. Spain* (CRC/C/82/D/27/2017), the Committee on the Rights of the Child found a violation of the right to identity of an unaccompanied migrant child, his best interests and rights related to protection, including to an appropriate age assessment procedure and of being assigned a competent guardian. The Committee recommended the State to, among others: regularize his administrative status; carry out appropriate age assessments of young people claiming to be children; assign them to a competent guardian as soon as possible so that they can apply for asylum as minors; and develop an effective and accessible redress mechanism that allows young unaccompanied migrants claiming to be under 18 years of age to apply for a review of any decrees declaring them to be adults issued by the authorities, in cases where the age assessment procedure was conducted in the absence of the safeguards necessary to protect the best interests of

⁴ Fernando de Medina-Rosales, "[Obstacles to accessing civil registration and identification: NRC's field experiences with displaced persons](#)" [blog post] (2019).

the child and the right of the child to be heard.

Regarding women, States parties must grant them equal rights with men to acquire, change or retain their nationality and must ensure that women can pass their nationality to their children on the same basis as men (Convention on the Elimination of All Forms of Discrimination against Women, Art. 9). This includes children born abroad.

Concerning statelessness, the 1954 Convention relating to the Status of Stateless Persons seeks to ensure that stateless people enjoy a minimum set of rights, while the 1961 Convention on the Reduction of Statelessness aims to prevent statelessness and reduce it over time through a set of measures by States to give nationality to persons that would otherwise be stateless, in compliance with international norms and national laws concerning nationality.

The right to identity documents, which is essential to proving one's nationality and therefore relevant in the context of statelessness, is also the corollary of several other rights: the right to recognition as a person before the law (ICCPR, Art. 16); the right to leave any country (ICCPR, Art. 12; European Court of Human Rights, *Battista v. Italy* 2014); and the right to enter one's own country (ICCPR, Art. 12). The exercise of these rights may be facilitated abroad through the provision of consular assistance by a migrant's State of nationality, including through the registration of births and the issuance of passports, travel and identity documents, as well as proof of nationality (ICRMW, Arts. 23 and 65; Vienna Convention on Consular Relations, Art. 5).

ICRMW further prohibits the confiscation, destruction or attempt to destroy the identity documents, documents authorizing entry to or stay, residence or establishment in the national territory or work permits of migrant workers or a member of their family (Art. 21). Moreover, any verification by law enforcement officials of the identity

of migrant workers or members of their families shall be carried out in accordance with procedure established by law (Art. 16). States parties should also maintain appropriate services to deal with questions concerning international migration of workers and members of their families, including for requisite authorizations and formalities and arrangements for departure, travel, arrival, stay, remunerated activities, exit and return, among others (Art. 65). Migrant workers and members of their families also have the right to have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin or of a State representing the interests of that State, including in cases of detention and expulsion (Arts. 16 and 23).

State obligations related to the issuance of identity and/or travel documents, and possession or clearance thereof, are also established under other IML instruments dealing with specific categories of migrants: the Convention and Protocol relating to the Status of Refugees (Arts. 25, 27 and 28); the Palermo Protocol against Trafficking in Persons (Art. 8); the Protocol against Smuggling of Migrants (Art. 18); the International Labour Organization's Domestic Workers Convention (Art. 9); and the ICAO Convention (ninth edition, Art. 13).

LEGAL IDENTITY IN SOFT LAW INSTRUMENTS

Soft law instruments have also contributed to further defining legal identity and establishing a policy framework to facilitate the operationalization of such norms:

- Under the 2030 Agenda, States committed to provide legal identity – duly registered – for all, including through birth registration (SDG Target 16.9); to eliminate discriminatory laws, policies and practices and promote appropriate legislation, policies and action thereof (SDG Target 10.3); and to end all forms of discrimination

- against all women and girls and promote gender equality (SDG 5).
- Under Objective 4 of the Global Compact for Migration, States committed “to fulfil the right of all individuals to a legal identity by providing all [their] nationals with proof of nationality and relevant documentation, allowing national and local authorities to ascertain a migrant’s legal identity upon entry, during stay and for return, as well as to ensure effective migration procedures, efficient service provision and improved public safety”. Through appropriate measures, States have the duty to ensure that migrants are issued adequate documentation and civil registry documents, such as birth, marriage and death certificates, at all stages of migration, to empower migrants to effectively exercise their human rights and prevent their statelessness. Objective 4 also lists some measures to ensure that all migrants have proof of legal identity and adequate documentation.⁵

Besides soft law, UN inter-agency developments offer useful working definitions:

- The United Nations’ operational definition of legal identity “the basic characteristics of an individual’s identity (name, sex, place and date of birth) conferred through registration and the issuance of a certificate by an authorized civil registration authority following the occurrence of birth. In the absence of birth registration, legal identity may be conferred by a legally recognized identification authority; this system should be linked to the civil registration system to ensure a holistic approach to legal identity from birth to death. Legal identity is retired by the issuance of a death certificate by the civil registration authority upon registration of death.”⁶
- Civil registration is defined by the United Nations as “the continuous, permanent, compulsory and universal recording of

the occurrence and characteristics of vital events pertaining to the population as provided through decree or regulation in accordance with the legal requirements of a country”.⁷ As everyone has the inherent right to be recognized everywhere as a person before the law, civil registration is declarative of the existence of a person, and it has therefore been the fundamental means of conferring declarative legal identity to an individual, and proof thereof.

LEGAL IDENTITY MUST ENABLE ACCESS TO RIGHTS AND SERVICES AND MUST NOT VIOLATE HUMAN RIGHTS

A migrant person’s ability to prove their legal identity is key to their fully exercising the right to leave any country, including their own. It is even more critical upon arrival at the border and for being granted authorization to stay in a country. Proof of legal identity contributes to avoiding risks of inaccurate identification and determination of migration status and situations leading to rights violations by migration authorities and law enforcement. In certain cases of arrival at the border, a migrant person’s legal identity document can support them in accessing justice and protection services. In other words, legal identity

⁵ For example: improve civil registry systems; harmonize travel documents in line with ICAO specifications; ensure adequate, timely, reliable and accessible consular documentation to nationals abroad; facilitate access to personal documentation, such as passports and visas, without discrimination; strengthen measures to reduce statelessness; review and revise requirements to prove nationality at service delivery centres to ensure that migrants without proof of nationality or legal identity are not precluded from accessing basic services nor denied their human rights; and build upon existing practices at the local level that facilitate participation in community life, for example, through the issuance of registration cards to all persons living in a municipality.

⁶ UNLIEG, *United Nations Strategy for Legal Identity for All* (2019), para. 12.; United Nations, Economic and Social Council, *Introduction of the United Nations Legal Identity Agenda: a holistic approach to civil registration, vital statistics and identity management* (E/CN.3/2020/15 of 18 December 2019), para. 4.

⁷ UN DESA, *Principles and Recommendations for a Vital Statistics System Revision 3* (2014, Statistical Papers Series M No. 19/Rev.3).

documentation can greatly contribute to the prevention of arbitrary expulsions and of violations of the principle of non-refoulement, and violations of other rights.

Official proof of legal identity is also often necessary to define the type of protection and assistance from specific forms of exploitation and abuse. For example, it is useful to prevent and assess cases of child labour, child marriage and underage recruitment of child soldiers involved in armed conflict.

Moreover, in general, accessing basic social services, which stem from the responsibility to fulfil certain human rights, requires beneficiaries to provide proof of legal identity. For example, this is a condition to benefit from social protection systems through cash-based programming. Especially for cash transfers, direct payment of money or distribution of vouchers for particular goods or services are usually provided to a recipient whose identity can be confirmed. Under international law, migrants are entitled to most human rights on an equal footing with nationals,⁸ and therefore, they should be able to access and benefit from basic services provided by the host State, such as access to justice, essential food and water, adequate shelter, primary health care and education, and just and favourable conditions of work and social security according to the conditions and regulations determined by the State. For example, nationality should not bar access to the rights enshrined in the International Covenant on Economic, Social and Cultural Rights (CESCR), since these rights apply to everyone including non-nationals, such as refugees, asylum seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation (CESCR General Comment No. 20).

Legal identity documentation can also support migrant persons in

case of detention, for example, to facilitate their access to consular assistance and to justice. Consular assistance is also fundamental for migrant workers and their families, as well as for migrants in vulnerable situations returning to their country of origin, including for replacement or issuance of identity, nationality and travel documents, support for the pre-departure process, and help with international referrals for continuity of care in the country of origin.

In short, legal identity is intrinsically linked with facilitating access to other rights established in both binding and non-binding instruments, and is highly relevant for migrants, including with regards to their right to a nationality and the prevention of statelessness. Thus, access to legal identity registration procedures must be facilitated and increased, including for migrants, particularly children born abroad, during all phases of the migration journey in transit and host countries.

However, providing a legal identity should never be a way to circumvent the right to nationality, or any other right for that matter – as mentioned above. Legal identity must be granted and implemented as a means to empower people, including migrants, to effectively exercise their human rights. Conversely, registration and documentation must not be

⁸ Except for the political rights to vote and be elected, or the freedom of movement that is only granted to regular migrants (ICCPR, Arts. 25 and 12).

⁹ “A second area of social science literature describes registration and identity documents as one of the most important tools available to States for the purposes of surveillance and population control. Whilst registration and documentation can help States to govern more effectively, they can also enable and consolidate the repressive power of authoritarian regimes (Torpey 2000, Scott 1999, Bennet and Lyon 2008). The uses of new technologies, such as biometrics extend the repressive reach of the State. Within this literature, universal registration and ‘hyper-documentation’ can lock in the exclusion of particular groups by ‘othering’ them. People who are without the right documents may then suffer less from ‘invisibility’ and more from ‘hyper-visibility’ to the State which bars access to facilities, restricts and contains them.” – Natalie Brinham “[When identity documents and registration produce exclusion: Lessons from Rohingya experiences in Myanmar](#)” [blog post] (2019).

used as tools of persecution or repression.⁹

In addition, data collected from an individual to provide them with a legal identity must be collected in accordance with human rights law, namely the right to privacy, the right to liberty, the right not to be subject to torture, cruel, inhuman or degrading treatment, and the principle of non-discrimination (including prohibition of ethnically, racism- or xenophobia-based discrimination), and without any use of force.

In the case of personal data, including biometric data, only necessary data should be processed and they should only be used for the intended, specified purpose. Data must be handled in a manner that protects confidentiality, and personal data need to be given comprehensive protection against unauthorized access. Data subjects should be entitled to receive information, free of charge, concerning data about them that has been collected or otherwise processed. They should also be able to request, for example, to access, correct or delete their personal data and to raise complaints in case they consider that their data protection rights have not been respected. Any gathering and holding of personal information must be regulated by law, while research and data collection methodologies should be grounded in ethical principles.¹⁰ Legal identities belong to persons, not States.¹¹

The Guiding Principles on Business and Human Rights indicate that private sector companies involved in identity management also have such obligations. Systems of legal identity, particularly when digitized, must be designed with the participation of concerned populations (including minorities or marginalized ones) and with all due safeguards¹² regarding data protection and other rights, with mechanisms ensuring transparency and accountability.

¹⁰ “Principle 19: Improve the collection of disaggregated data on the human rights situation of migrants while protecting personal data and their right to privacy.” – OHCHR, [Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations](#); (2018).

¹¹ Alenka Prvinšek Persoglio, “[State obligation to establish legal identity in comparative perspective](#)” [blog post] (2019).

¹² See United Nations, General Assembly, [Contemporary forms of racism, racial discrimination, xenophobia and related intolerance](#) (A/75/590 of 10 November 2020). In this report to the 75th session of the General Assembly, the Special Rapporteur focuses on border and immigration enforcement. The report addresses the discriminatory impact of emerging digital technologies on migrants, stateless persons, refugees and other non-citizens.

ANNEX 2

DEFINITIONS

Migrant is an umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students.¹

Legal identity is defined as the basic characteristics of an individual's identity, e.g. name, sex, place and date of birth conferred through registration and the issuance of a certificate by an authorized civil registration authority following the occurrence of birth. In the absence of birth registration, legal identity may be conferred by a legally recognized identification authority; this system should be linked to the civil registration system to ensure a holistic approach to legal identity from birth to death. Legal identity is retired by the issuance of a death certificate by the civil registration authority upon registration of death.²

Civil registration is central to legal identity and is defined as continuous, permanent, compulsory, universal recording of occurrence and characteristics of vital events pertaining to the population, as provided through decree or regulation, in accordance with the legal requirements in each country, with full respect for the rules regulating the protection and privacy of individual information. Civil registration refers to the entire administrative, legal and institutional framework, including the personnel, the registration network, the various procedures, the processes of record-keeping and retrieval, issuing of certificates, preparation of outputs, transfer of data, provision of

services to other agencies, and all other activities pertaining to civil registration in a country (or state, or province). The civil registration system, therefore, encompasses both the registration method and all institutional, technical and legal settings associated with it.

Vital events are defined as follows:

- **Live birth** refers to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which, after such separation, breathes or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached; each product of such a birth is considered live born (all live-born infants should be registered and counted as such, irrespective of gestational age or whether alive or dead at the time of registration, and if they die at any time following birth, they should also be registered and counted as deaths).⁴
- **Death** is the permanent disappearance of all evidence of life at any time after live birth has taken place (postnatal cessation of vital functions without capability of resuscitation). (This definition excludes foetal deaths, which are defined separately below.)⁵

¹ IOM, [Glossary on Migration](#) (2019).

² UN DESA, United Nations Legal Identity Agenda.

³ UN DESA, [Principles and Recommendations for a Vital Statistics System Revision 3](#) (2014, Statistical Papers Series M No. 19/Rev.3), para. 279.

⁴ *Ibid.*, para 2.

⁵ *Ibid.*

- **Foetal death**⁶ refers to death prior to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such separation the foetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles (note that this definition broadly includes all terminations of pregnancy other than live births, as defined above).
- **Marriage** is the act, ceremony or process by which the legal relationship of spouses is constituted. The legality of the union may be established by civil, religious or other means as recognized by the laws of each country. Countries may wish to expand this definition to cover civil unions if they are registered; in that case, registered partnership usually refers to a legal construct, registered with the public authorities according to the laws of each country, that leads to legal conjugal obligations between two persons.⁷
- **Divorce** is the final legal dissolution of a marriage, that is, separation of spouses which confers on the parties the right to remarry under civil, religious and/or other provisions, according to the laws of each country. In case a country recognizes registered partnerships, a legal dissolution of a registered partnership refers to the legal final dissolution of such a partnership, according to national laws, conferring on the parties the right to re-enter into another partnership or marriage.⁸
- **Annulment** refers to the invalidation or voiding of a marriage by a competent authority, according to the laws of each country,

which confers on the parties the status of never having been married to each other.⁹

- **Separation**, judicial, is the disunion of married persons, according to the laws of each country, without conferring on the parties the right to remarry.¹⁰
- **Adoption** is the legal and voluntary taking and treating of the child of other parents as one's own, insofar as provided by the laws of each country.¹¹
- **Legitimation** refers to the formal investing of a person with the status and rights of a person born in wedlock, according to the laws of each country.¹²
- **Recognition** is the legal acknowledgement, either voluntarily or compulsorily, of the paternity of a child born out of wedlock.¹³

Proof of legal identity is defined as a credential, such as birth certificate, identity card, travel document or digital identity credential that is recognized as proof of legal identity under national law and in accordance with emerging international norms and principles.¹⁴

⁶ UN DESA, [Principles and Recommendations for a Vital Statistics System Revision 3](#) (2014, Statistical Papers Series M No. 19/Rev.3), para. 2.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ UNLIEG.

Population register is defined as an individualized data system, that is, a mechanism of continuous recording, or of coordinated linkage, of selected information pertaining to each member of the resident population of a country in such a way to provide the possibility of determining up-to-date information concerning the size and characteristics of that population at selected time intervals.¹⁵ A population register is understood as a repository of information regarding individuals' basic characteristics, such as date of birth, sex, place of birth, place of residence and date of death, operated by national authorities authorized under the law to register and manage legal identity information.

Identity management While there is no internationally agreed definition of identity management, the term most commonly refers to the issuance of a proof or legal tender of identity to each individual and the maintenance of systems for managing information and documents associated with such identity.¹⁶ The identity management system is operated by legally recognized authorities, and it refers to the entire administrative, legal and institutional framework, including the personnel, the registration network, the various procedures, the processes operated for issuing the secure identity credentials used for identification of a person; this process often also entails collecting a unique biometric identifier (i.e. facial image or fingerprints).

Nationality The legal bond between an individual and a State.¹⁷

¹⁵ UN DESA, *Principles and Recommendations for a Vital Statistics System Revision 3* (2014, Statistical Papers Series M No. 19/Rev.3), para. 454.

¹⁶ United Nations, *Handbook on Civil Registration and Vital Statistics systems: Management, Operation and Maintenance, Revision 1*, para. 80.

¹⁷ Adapted from Council of Europe, *European Convention on Nationality* (ETS No. 166, adopted 6 November 1997, entered into force 1 March 2000), Art. 2.

