

ENS Litigation Bulletin

October 2024 - January 2025

Welcome to the Litigation Bulletin from the [European Network on Statelessness](#) (ENS). This resource is in addition to ENS' general newsletter and focuses on bringing you an overview of developments on statelessness from European courts, an update on our litigation activities across the network, recent publications relevant for legal practitioners, and notification about upcoming events and opportunities.

European Litigation Updates

Regional Courts

- [ECtHR: No violation of Article 8 ECHR for the removal of Belgian nationality from two dual-nationals](#)
- [CJEU: Member States can withdraw temporary protection granted to categories of persons beyond EU law requirements](#)

National Courts

- [French CNDA grants refugee status to Palestinians from Gaza, holding that UNRWA protection can no longer be ensured](#)
- [Czechia: Non-citizens of Latvia meet the definition of a stateless person under the 1954 Convention](#)
- [German court rules that ethnic Armenians from Nagorno Karabakh are stateless and persecuted](#)

Stay Tuned

- [Upcoming opportunities](#)
- [Legal briefing on statelessness and the right to respect for family and private life](#)
- [ENS is hiring a Legal Officer](#)

Resources

- [Jump to resources](#)



Update on Statelessness Litigation in Europe

This section includes relevant European case law on statelessness and nationality from regional and domestic courts. For more details about these judgments and to browse over 300 other cases, visit our [Statelessness Case Law Database](#).

Regional Courts

[ECtHR: No violation of Article 8 ECHR for the removal of Belgian nationality from two dual-nationals](#)

[ECtHR – El Aroud and Soughir v Belgium](#) (application nos 25491/18 and 27629/18) (5 December 2024)

The European Court of Human Rights (ECtHR) upheld the decision of Belgian authorities to deprive two dual-nationals of their Belgian nationality on account of

terrorism convictions. According to the Court, the interference to the applicants' private life was justified in view of the offences committed and was 'necessary in a democratic society'. The Court reiterated the importance of an adequate judicial review and noted that the fact that the applicants were not rendered stateless is attached great relevance in this case. Read the full [judgment](#) (only available in French) and the [ECtHR press release](#).

CJEU: Member States can withdraw temporary protection granted to categories of persons beyond EU law requirements

CJEU – Joined cases C-244/24 and C-290/24, P, AI, ZY and BG c. Staatssecretaris van Justitie en Veiligheid [Kaduna] (19 December 2024)

In response to a referral from Dutch courts, the Court of Justice of the European Union (CJEU) ruled that, in principle, Member States can withdraw temporary protection from categories of persons not covered by EU law, who were granted temporary protection on an optional basis at the outset of Russia's invasion of Ukraine. The Dutch authorities had initially extended the temporary protection scheme to include displaced persons from Ukraine beyond those covered by EU law, including stateless people and foreign nationals with temporary residence in Ukraine, but later decided to withdraw this protection. The CJEU confirmed that Member States are allowed to remove this optional protection before the Temporary Protection Directive (TPD) under EU law expires. However, the Court clarified that such persons cannot be subject to a return decision as long as the optional protection remains in force. This is the first CJEU judgment concerning the application of the TPD in relation to persons forcibly displaced from Ukraine. Read the full [judgment](#) (not yet available in English) and the CJEU [press release](#) (in English).

National Courts

French CNDA grants refugee status to Palestinians from Gaza, holding that UNRWA protection can no longer be ensured

France - CNDA, M. et Mme S. n°23042517 and 23042541 C+ (13 September 2024)

The French National Court of Asylum (CNDA) ruled that Palestinians under the mandate of UNRWA can apply for refugee status in France. The applicants, a Palestinian couple who resided in Gaza, stated that they were threatened by Hamas members and cited the deteriorating humanitarian and security situation in the Gaza Strip. The Court held that UNRWA can no longer provide effective assistance and protection to any Palestinian resident in that territory and granted the applicants' refugee status. The judgment follows a landmark CJEU [judgment](#) (C-563/22) of 13 June 2024 regarding Palestinians registered with UNRWA. Read the full CNDA [judgment](#).

Czechia: Non-citizens of Latvia meet the definition of a stateless person under the 1954 Convention

Czechia - Municipal Court in Prague, case no. 11 A 52/2022-51 (18 July 2024)

The applicant, a non-citizen of Latvia, applied for recognition of statelessness status in Czechia but had her application rejected by the Ministry of Interior (Moi). Upon appeal, the Municipal Court in Prague held that the 1954 Convention relating to the Status of Stateless Persons applies to non-citizens of Latvia as they do not fall under the Article 1(2)(ii) exclusion clause, annulling the Moi's decision. The Court also recognised that the difference in status between Latvian nationals and non-citizens in Latvia is highly significant and not temporary in nature.

German court rules that ethnic Armenians from Nagorno Karabakh are stateless and persecuted

Germany – Administrative Court of Kassel, case no. 1 K 1819/23.KS.A (16 September 2024)

A German court ruled that the applicants, who are ethnic Armenians from the autonomous region of Nagorno Karabakh within Azerbaijan, were stateless, cannot return to that region due to the risk of persecution from Azerbaijan, and may

therefore be granted refugee status in Germany. Armenian passports historically granted to residents of that region did not confer Armenian citizenship but only served to facilitate international travel. Following the applicants' expulsion from that region and their flight to Armenia, their application for Armenian citizenship was rejected. Azerbaijan is therefore to be considered as their country of origin for the purpose of their asylum application and the court confirmed that it is still difficult for ethnic Armenians to obtain Azerbaijani identification documents, which constitutes an act of persecution. This judgment may impact jurisprudence outside Germany and is particularly significant in the context of the pending case before the International Court of Justice (Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)). Read the [full judgment](#), this [article on Civilnet](#), and Gurgen Petrossian's [LinkedIn post](#), President of the Armenian-German Lawyers Association and international law expert at the University of Erlangen-Nuremberg.



Stay Tuned

This section covers other litigation developments as well as updates on recent activities that we have been up to.

Upcoming opportunities

- [International Commission of Jurists \(ICJ\): Protecting Judicial Independence through Strategic Litigation](#): This event will be held online on 15 January 2025, 2.30 - 4.30 pm CET to mark the conclusion of the Rule of Law for Lawyers (ROLL) project. It will focus on the critical issues of judicial independence, the rule of law, and strategic litigation, with a particular emphasis on Poland, Hungary, and Slovakia.
- [Immigration Law Practitioners' Association \(ILPA\) Webinar: Statelessness Remedies – UK](#): This online session will be held on 21 January 2025, 10 am – 1 pm (UK time) and is aimed at practitioners who would like a grounding in statelessness issues, including applying for leave to remain as a stateless person, routes to acquisition of British citizenship for stateless persons, and how to evidence statelessness in the context of removal and unlawful detention. Get tickets [here](#).

Legal briefing on statelessness and the right to respect for family and private life

In October, ENS published a new legal briefing on statelessness and the right to respect for family and private life. Written in collaboration with The AIRE Centre, this briefing draws on the international and regional legal framework, as well as jurisprudence from the European Court of Human Rights and the Court of Justice of the European Union, to set out the positive obligation that States have to protect stateless people, uphold children's right to a nationality and birth registration, implement effective and accessible routes to regularisation, and prevent the arbitrary denial of nationality. Read the briefing [here](#). You can also watch our [webinar](#) launch held on 1 October 2024.

ENS is hiring a Legal Officer

We are recruiting a Legal Officer to play a key role in enabling us to fulfil our mission to break the cycle of statelessness in Europe and realise everyone's right to a nationality. This is a 10-month fixed term contract with a possibility of extension

beyond the initial contract term, subject to funding availability. The deadline for applications is Monday 20 January 2025 (9 am UK time). Read more [here](#).



Resources

This section highlights recent publications, reports and blogs that we or other organisations have published.

- [ENS, Legal Briefing: Statelessness and the right to respect for private and family life](#) (October 2024)
- [UNHCR and Open Society Foundations, Litigating the Right to a Nationality: A Guide for Practitioners](#) (November 2024): This guide, written by Bronwen Manby and jointly published by UNHCR and the Open Society Foundations, provides resources for practitioners, including stateless people, to use litigation to achieve progress towards the realisation of the right to a nationality for all. A roundtable discussion was organised on 4 December 2024 to for the launch of the guide.
- [ENS, Birth registration and the prevention of statelessness in Europe: identifying good practices and remaining barriers](#) (November 2024): Birth registration is a key way to prevent statelessness and ensure every child can acquire a nationality. Yet, some children in Europe still face the risk of statelessness due to persisting barriers to birth registration. This briefing on birth registration is part of a series of thematic briefings and summarises how the 32 countries featured in the Statelessness Index perform against international norms and good practice in their birth registration law, policy, and practice. This new version of the briefing (first published in 2021) has been updated based on 2024 data from the Index.
- [Kids in Need of Defense \(KIND\), Reducing Risks in Uncertainty: The importance of free, quality legal assistance for unaccompanied and separated children displaced from Ukraine](#) (November 2024)
- [International Commission of Jurists \(ICJ\), Never in the best interests of the child: Risks of child detention in the screening and border procedures under the 2024 EU Migration Pact](#) (November 2024)



STATELESSNESS
Case Law Database

For more updates and to browse over 300 other cases visit our [Statelessness Case Law Database](#).



European Network on Statelessness

28 Stainforth Road | London, E17 9RD | United Kingdom
info@statelessness.eu

[Update your preferences](#) or [unsubscribe from this list](#).

We are committed to ensuring that your privacy is protected. Our [Privacy policy](#) explains how and why we collect data, your rights and what procedures we have in place to fulfill these rights.

The European Network on Statelessness is a registered Charitable Incorporated Organisation in England. Charity Number 1158414.