

# ENS Litigation Bulletin

May - July 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

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- Advocate General: Dublin III not triggered following withdrawal of national protection status
- CJEU: Subsidiary protection cannot be granted solely on grounds of private life

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- English High Court finds new policy limiting family reunification for stateless people unlawful
- Dutch Council of State clarifies protection criteria for stateless Palestinian refugees
- Netherlands: District Court rules that deprivation of nationality for dual nationals is lawful and not discriminatory
- Czech Supreme Administrative Court confirms that Latvian 'non-citizens' are stateless under the 1954 Convention
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## 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 350 other cases, visit our [Statelessness Case Law Database](#).

## Regional Courts

### **CJEU declares Malta's Citizenship Investor Scheme incompatible with EU law**

CJEU - Case C-181/23, *Commission v Malta* (19 April 2025)

The CJEU ruled that by establishing a "transactional naturalisation procedure in exchange for predetermined payments or investments", Malta had effectively commercialised the grant of nationality of a Member State which was held to be in breach of the principle of sincere cooperation and the mutual trust on which Union citizenship is based (Article 4(3) TEU and Article 20 TFEU). The Court clarified in its judgment that while Member States retained the power to define conditions for granting nationality of a Member State, these conditions must be applied in compliance with EU law.

### **Advocate General: Dublin III not triggered following withdrawal of national**

### **protection status**

CJEU - Opinion of Advocate General Richard De La Tour, Case C-790/23, Qassioun (30 April 2025)

CJEU Advocate General (AG) Richard de La Tour has issued an opinion on the interpretation of the Dublin III Regulation, in a case involving a Syrian national who sought asylum in Finland after Denmark withdrew her temporary protection status. The Finnish authorities deemed the application inadmissible, invoking Article 18(1)(d) of Dublin III following Denmark's agreement to take the applicant back. The AG found that temporary protection granted under national law does not constitute international protection as defined by the EU Qualification Directive, and that its withdrawal cannot be equated with the rejection of an asylum application under EU law. The AG advised that Article 18(1)(d) should not apply in a situation where a national protection status was withdrawn according to domestic law. The CJEU will now consider the case. If the judgment follows a view similar to the AG, it may be interpreted as meaning that Dublin III is also not considered applicable where a person has applied for other national protection statuses in another MS, including applications for statelessness determination procedures (SDPs).

### **CJEU: Subsidiary protection cannot be granted solely on grounds of private life**

CJEU - Case C-349/24, Nuratau (5 June 2025)

In a preliminary ruling, the CJEU clarified the interpretation of the EU Qualification Directive where the refusal to grant international protection may result in the breach of the right to private life. The case concerned a third-country national who had lived in Czechia since 2006 and whose application for international protection was repeatedly rejected, despite national courts annulling those decisions due to insufficient consideration of his private and family life in Czechia. The Court held that the risk of "serious harm" for the purpose of eligibility for subsidiary protection applies only in relation to the applicant's country of origin, and that the Directive does not allow subsidiary protection to be granted solely on the basis of private or family life ties in the Member State examining the application – even under Article 3, which allows more favourable national standards. However, the CJEU also reaffirmed that Member States may issue humanitarian residence permits under national law, including to prevent an infringement of the right to private life, provided they are clearly distinguished from EU protection statuses. This judgment may be relevant in cases where a stateless person applies for subsidiary protection or humanitarian permits on the basis of their right to respect for private and family life, if they are unable to access other regularisation or protection routes or to travel to any other country (see our recent [Legal briefing: Statelessness and the right to respect for family and private life](#)).

## **National Courts**

### **Irish High Court identifies legal gap concerning children born abroad to same sex couples with Irish nationality**

Ireland - X v The Minister for Foreign Affairs; Y v Minister for Foreign Affairs 2025 IEHC 214 (11 April 2025)

The Irish High Court has identified a gap in legislation affecting the citizenship rights of children born abroad to Irish parents in same-sex relationships through donor-assisted human reproduction, in a judgment concerning two children who were refused Irish passports. The Court ruled in favour of one family, finding that the Irish government had wrongly excluded a genetic mother from being recognised as a legal parent under Irish nationality law. It rejected claims from a second family involving a non-genetic, non-gestational Irish parent, stating such an interpretation of the term 'parent' in Irish nationality law would overstep judicial authority. The judge urged the national Parliament to address the legal shortcoming.

### **English High Court finds new policy limiting family reunification for stateless people unlawful**

UK - Asylum Aid v Secretary of State for the Home Department [2025] EWHC 316 (Admin) (14 February 2025)

The High Court found unlawful the changes made by the Home Office to the UK's immigration rules in January 2024, which removed favourable criteria for stateless people to apply for their family members to join them in the UK. The Court found the new policy fails to account for the particular circumstances of stateless people as a group recognised in international and domestic law as deserving special protection. It also held that the Equality Impact Assessments did not adequately address the discriminatory impact of the changes. The Court concluded that the policy was irrational and that it failed to give sufficient regard to the statutory duty to safeguard and promote the welfare of children. The challenge was brought by Asylum Aid and Liverpool Law Clinic, who are both ENS members.

### **Dutch Council of State clarifies protection criteria for stateless Palestinian**

## refugees

Netherlands - Council of State, Applicant v The Minister for Asylum and Migration (de Minister van Asiel en Migratie), 202307092/1/V2 (7 May 2025)

The applicant is Palestinian, originally from the West Bank and registered with UNRWA. She was initially excluded from refugee status on the grounds that she had voluntarily left the UNRWA area of operation while protection was still available. The Dutch Council of State upheld a lower court decision requiring the Minister for Asylum and Migration to reassess her asylum application, finding that authorities must consider whether UNRWA's protection had effectively ceased not only at the time of departure but also at the time of decision-making and judicial review. Citing recent CJEU case law (LN and SN, C-563/22), the Council emphasised that a deterioration in conditions after departure may justify inclusion under Article 1(D) of the Refugee Convention, even in cases of voluntary departure.

## Netherlands: District Court rules that deprivation of nationality for dual nationals is lawful and not discriminatory

Netherlands - District Court of Gelderland, AWB24-6789 (ECLI:NL:RBGEL:2025:3993) (21 May 2025)

The District Court of Gelderland upheld the State Secretary's decision to revoke the Dutch nationality of a dual Dutch-Moroccan national convicted of terrorism offences, alongside a 20-year entry ban and return decision issued to the applicant. The applicant argued that the revocation of nationality was discriminatory as it applies only to dual nationals, referencing a 2020 report by the Institute on Statelessness and Inclusion. The court rejected this claim and found no violations of procedural fairness, the prohibition of double punishment, or international and European legal standards, including the European Convention on Nationality and Article 8 ECHR. The appeal was declared unfounded.

## Czech Supreme Administrative Court confirms that Latvian 'non-citizens' are stateless under the 1954 Convention

Czechia - Supreme Administrative Court, Decision no. 7 Azs 174/2024 (19 December 2024)

In a significant ruling, the Czech Supreme Administrative Court (SAC) has upheld a decision by the Municipal Court of Prague, confirming that Latvian 'non-citizens' qualify as stateless persons under Article 1 of the 1954 Statelessness Convention. This decision follows an appeal lodged against the lower court judgment (no. 11 A 52/2022-51), previously highlighted in [January's litigation bulletin](#). The SAC dismissed all procedural objections raised in the appeal and endorsed the lower court's interpretation of the 1954 Convention.

## Italian Constitutional Court finds that language requirements for naturalisation without exemptions are unconstitutional

Italy - Constitutional Court, Decision no. 25/2025 (30 January 2025)

The Italian Constitutional Court declared the mandatory language test to obtain Italian nationality unconstitutional when applied to individuals with certified disabilities or medical conditions that prevent language acquisition. The Court found the requirement violated the principle of equality under Article 3 of the Constitution by imposing an unreasonable and impossible obligation on those with cognitive or health-related limitations. It also noted Italy's international obligations under the UN Convention on the Rights of Persons with Disabilities. As a result, applicants with certified impairments are now exempt from the language requirement and public authorities must update procedures.



## Stay Tuned

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

## Pending cases

- The joined cases [K.P.O. and Others v. Cyprus and E.A.A.E. and Others v. Cyprus](#) (applications nos. 32295/24 and 5455/25) were communicated by the European Court of Human Rights on 12 June 2025. The applications concern an alleged pushback to the buffer zone in Cyprus where the applicants, including two stateless children, were denied access to asylum procedures and left in unsuitable conditions for extended periods.
- The European Court of Human Rights has [communicated four cases against Bulgaria](#) (Angelova v. Bulgaria and 3 other applications, communicated 28 January 2025) concerning the refusal to recognise parental ties in same-sex families. The applicants allege violations of Article 8 (private and family life),

Article 14 (non-discrimination), and Article 13 (effective remedy) of the Convention. The cases involve refusals to issue or register birth certificates or allow second-parent adoption, based on the lack of biological ties or non-recognition of same-sex marriage in Bulgaria.

### Upcoming opportunities

- [International Commission of Jurists: Webinar on litigation before the UN Committee on the Rights of the Child - Immigration detention and alternatives to detention of children](#) (24 July 2025, 11:00-12:30 CET) – The webinar aims to enhance understanding of the procedural and strategic aspects of litigating the rights of children in immigration detention before the UN CRC Committee. It will include a session on the CRC Committee’s approach to the rights of migrant children and protection against detention, and a presentation of the *E.B. et al. v. Belgium* case, followed by an open discussion.
- [Institute on Statelessness and Inclusion: Open access statelessness learning programme](#) – Statelessness Essentials, ISI’s brand-new, free and open access learning programme, will take place weekly over 10 weeks, from 16 September 2025 until 18 November 2025. The 10 sessions will cover a range of themes relating to statelessness and the right to nationality, including international frameworks, children’s rights, refugees and migration, nationality deprivation, and movement building: taught by the experts themselves.
- [Statelessness and Citizenship Review: Call for Expressions of Interest](#) – The Statelessness and Citizenship Review is now inviting expressions of interest for a dedicated issue on ‘Citizenship, Statelessness and Emerging Technologies’. This special issue seeks to explore how emerging technologies are impacting the global statelessness landscape and/or influencing the strategies adopted by scholars, practitioners and activists who engage with citizenship and statelessness issues. Expressions of interest should be sent to [info@screview.net](mailto:info@screview.net) before 15 October 2025. For further information, click [here](#).
- [Peter McMullin Centre on Statelessness: Statelessness Intensive Course 2026](#) – course open to anyone who is interested in gaining skills and practical tools to understand and address statelessness. A blend of theoretical and practical components, the course covers topics such as the international treaties relevant to statelessness, the right to nationality/deprivation of nationality, statelessness in the context of climate change and armed conflict, gender discrimination and the links between statelessness, minorities, discrimination and development. Apply by 31 August to benefit from the Early Bird Rate.
- [Peter McMullin Centre on Statelessness: Visiting Fellowships 2026](#) – The Visiting Fellowship Scheme provides an opportunity for statelessness researchers, practitioners, and educators to engage with the work of the Peter McMullin Centre on Statelessness and to strengthen international collaborations. Applications must be submitted by 30 November 2025.

### Drop-in sessions for legal practitioners on statelessness

We hosted the third drop-in session for legal practitioners among ENS members. Recognising that there is so much knowledge and expertise across the ENS network, and based on feedback from our members, we wanted to create opportunities for exchange that will support our members’ work. The sessions aim to be a member-led space, where topics of conversation are guided by what members think is most helpful for their work. These sessions are held on a quarterly basis and the next one will be in the Autumn of 2025. If you would like to participate, get in touch with ENS’s Legal Policy Coordinator, Patrícia Cabral ([patricia.cabral@statelessness.eu](mailto:patricia.cabral@statelessness.eu)).



### Resources

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

- [EUAA, Factsheet: Analysis of jurisprudence on the implementation of the Dublin procedure](#) (June 2025) - This fact sheet analyses case law from January 2024 to May 2025 related to the Dublin procedure, and is extracted from the [EUAA Case Law Database](#).
- [Global Citizenship Observatory \(GLOBALCIT\) Global State of Citizenship Report](#) - The report details how legal frameworks shape access to citizenship worldwide, and explores gaps in gender equality, immigrant inclusion and growing use of citizenship deprivation.



# STATELESSNESS Case Law Database

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

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