

ENS Litigation Bulletin

November 2025 - January 2026

Welcome to the quarterly 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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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 370 other cases, visit our [Statelessness Case Law Database](#).

Regional Courts

CJEU confirms that beneficiaries of temporary protection retain right to apply for subsidiary protection

CJEU – Case C-195/25 [Framholm] (20 November 2025)

The Court of Justice has clarified that third-country nationals and stateless persons who benefit from temporary protection still have the right to apply for subsidiary protection under EU law. The Court ruled that practice of the Swedish Migration Agency in automatically rejecting applications for subsidiary protection from temporary protection beneficiaries without assessing their merit is incompatible with EU law. Holding temporary protection is not a valid reason to refuse or ignore an application for international protection, which must include consideration of both refugee status and subsidiary protection status. The Court confirmed that the relevant EU provisions have direct effect, meaning national courts must disapply conflicting national rules if they cannot be interpreted consistently with EU law. This judgment follows the earlier [opinion of Advocate General Campos Sánchez-Bordona](#).

CJEU clarifies that non-renewal of national protection status cannot be interpreted as 'rejection' under Dublin rules

CJEU – Case C-790/23 [Qassioun] (30 October 2025)

The CJEU ruled that the non-renewal of a temporary residence permit previously granted on protection grounds does not amount to a rejection of an application for international protection for the purposes of Dublin III. The case involved a Syrian national who applied for asylum in Finland after Danish authorities declined to renew her subsidiary protection status. The Court held that “rejection” refers to an initial refusal of an application, not to later decisions on withdrawal or non-renewal of protection, meaning Denmark was not obliged to take the applicant back under Dublin rules. This judgment aligns with [Advocate General Richard de La Tour’s opinion](#). While the case does not address statelessness, the judgment support arguments that the Dublin Regulation would also not apply where a person previously sought other national protection statuses, including through statelessness determination procedures, since these do not constitute applications for international protection within the meaning of EU law.

National courts

Portuguese Constitutional Court finds unconstitutional several proposed amendments on naturalisation and deprivation of nationality

Portugal – Constitutional Court, Decision no. 1133/2025 (15 December 2025)

The Portuguese Constitutional Court examined a request submitted by 50 MPs for preventive constitutional review of several provisions proposing to amend the Nationality Law, which are currently being discussed in Parliament. The Court extensively analysed fundamental principles and international and regional

instruments on statelessness and the right to a nationality. It found that the proposed changes were unconstitutional in several aspects, including that automatically excluding applicants from naturalising if they have a criminal conviction with 2-years imprisonment (lowered from the current 3 years), without individualised assessment of the impact on their integration in the Portuguese community, violates the principle of proportionality. It also found unconstitutional the introduction of a good character requirement in naturalisation proceedings as worded in the proposal, due to it being insufficiently clear and precise. The proposed amendments also introduce a provision to facilitate naturalisation for stateless people but make it dependant on lawful residence for 4 years, which the applicants argued was unconstitutional given the current lack of an SDP in Portugal. While the Court acknowledged the impact of the lack of an SDP and how its absence may be contrary to international law and the Constitution, it did not find an unconstitutionality on this particular point including due to procedural limitations related to the scope of the request submitted to the Court. The law has been returned to Parliament to revise the text and address the issues identified by the Court.

[Portugal – Constitutional Court, Decision no. 1134/2025](#) (15 December 2025)

The Constitutional Court examined the constitutionality of a proposed provision to amend the Criminal Code that would impose loss of Portuguese nationality as an accessory penalty for certain crimes. The request for preventive constitutional review was submitted by 50 MPs. It found that the amendments violated constitutional principles such as equality and proportionality, including due to its disproportionate restriction on the fundamental right to a nationality, lack of sufficient connection between the crimes and the deprivation decision, creating indefinite penalties, and unequal treatment between different categories of citizens. The law has been returned to Parliament to revise the text and address the issues identified by the Court.

[Athens court orders fresh review of asylum claim by stateless](#)

[Bidoon applicant, citing need to properly assess risk of persecution](#)

[Greece – Athens Administrative Court of First Instance, AK1246/2024](#) (28 November 2025)

The case concerns a stateless Bidoon man from Kuwait who applied for international protection in Greece, citing systemic denial of economic and social rights due to his Bidoon identity. He claimed his participation in 2019 demonstrations led to him being targeted regularly by the authorities and forced into hiding. His asylum claim was rejected, and while the Appeals Committee acknowledged the widespread statelessness among the Bidoon population and their limited ability to access rights, it ultimately concluded there would be no risk of serious harm if returned to Kuwait. On appeal, the Athens Administrative Court found that the decision to reject his asylum application lacked adequate reasoning regarding the risk of persecution as a stateless Bidoon. The court held that the applicant's statements were credible and corroborated by country-of-origin information. It annulled the decision and ordered a reasoned re-examination of whether his experiences as a stateless Bidoon meet the refugee threshold.

[Landmark ruling in North Macedonia finds systemic exclusion of Roma in birth registration and reaffirms the State's duty to prevent statelessness](#)

North Macedonia – Court of Appeal in Skopje (20 November 2025) – judgment not yet published, see [MYLA & ERRC press release](#).

The Court of Appeal in Skopje confirmed that the Ministry of Justice had failed to comply with a 2020 law aimed at resolving the situation of people who were not registered in the birth registry by providing them with a 'special registration', as people were issued identity documents but continued to be denied equal access to fundamental rights. The Court emphasised that the failure to implement the law resulted in systemic exclusion and indirect ethnic discrimination against Roma and other individuals who were unregistered, and reaffirmed that birth registration is a core State obligation essential to the enjoyment of rights and prevention of statelessness. It held that institutional inaction perpetuated inequality and exposed individuals, including children, to prolonged legal invisibility and barriers to healthcare, education, and social services. This ruling upheld the first-instance judgment of the Skopje Basic Civil Court and originated from a collective complaint filed in 2022 by the Macedonian Young Lawyers Association (MYLA) and the European Roma Rights Centre (ERRC), both ENS member organisations.

UK Supreme Court rules that issuing a deprivation order 30 minutes after notice is lawful

United Kingdom – Supreme Court, *Secretary of State for the Home Department v Kolicaj*, [2025] UKSC 49 4 (18 December 2025)

The case concerns the order to deprive a naturalised British citizen of his citizenship following his conviction and imprisonment for conspiring to remove criminal proceeds from the UK. In January 2021, the Secretary of State notified the applicant of her intention to deprive him of his citizenship under section 40(2) of the British Nationality Act 1981, on grounds that it was conducive to the public good. The order enacting the deprivation decision was served only 30 minutes later, deliberately intended to prevent the applicant from renouncing his Albanian citizenship, which would have made deprivation unlawful due to statelessness. The applicant appealed, arguing that the decision was procedurally unfair, which was upheld by the Court of Appeal. On appeal, the Supreme Court ruled that fairness is achieved through the right of appeal, which allows new evidence and arguments to be submitted, so there was no need for the Secretary of State to offer a chance to respond to the deprivation notice before enacting the decision.



Stay Tuned

This section highlights major cases pending before the courts at international, regional and international level. It also updates on recent activities that we have been up to.

Pending cases

- The European Court of Human Rights has [communicated the case Begum v. United Kingdom](#) (application no. 36427/24, communicated 25 November 2025, published 15 December 2025). The application concerns the deprivation of the applicant's British citizenship after leaving the UK in 2015 to align herself with the Islamic State (ISIS). The applicant complains under Article 4 ECHR that the Secretary of State failed to consider whether she had been a victim of trafficking when making the deprivation decision, as well as

any obligations owed to the applicant for potential failures in protecting her from being trafficked which may have affected the deprivation decision.

Webinar recording: Protecting the rights of stateless Palestinians in the UK

In October we held a webinar on protecting the legal rights of stateless Palestinians in the UK, following the publication of our legal briefing on this topic. We developed this briefing after listening to our members, partners, and affected communities who have all voiced urgent concerns about the protection gaps faced by Palestinians throughout Europe. Facilitated by Nina Murray, our Head of Policy and Advocacy, we heard from two speakers: Patrícia Cabral, our Legal Policy Coordinator, and Abdelrahman Touman, a member of our Community Advisory Board (CAB) who helped to develop our legal briefing. [Watch our webinar and download the slides](#), or [read the full briefing](#).

GRF Legal Community Pledge

In line with our increased collaboration with pro bono partners in using the law to achieve change, ENS has joined the Global Refugee Forum Legal Community Pledge, coordinated by PILnet. Back in 2023, we made a GRF pledge to expand our [Statelessness Case Law Database](#), the first database of its kind dedicated to capturing national, regional, and international case law addressing statelessness. We committed to having 600 cases in the database by 2027, and by joining the Legal Community Pledge we hope to harness the support of pro bono partners in achieving this. Find out more about the [Joint Legal Community Pledge](#).

PILnet Global Forum

In November, ENS attended the PILnet Global Forum in Rome, an annual event bringing together legal professionals, civil society actors and advocates to share ideas and build partnerships for impactful pro bono work, and this year it had over 400 participants and more than 40 sessions on various topics. We co-organised and delivered two sessions on statelessness, introducing participants to the fundamentals on statelessness and opening a space to focus on strengthening collaboration with law firms on statelessness. [Learn more in this editorial](#).

Upcoming opportunities

- [Statelessness Impact Award \(SIA\)](#) – nominations are open for the first edition of this international award dedicated to statelessness work. It recognises measurable, meaningful contributions that improve the rights, livelihoods, and inclusion of stateless people. Presented during the Statelessness Awareness Forum (Europe), SAF(E), the Award spotlights initiatives that confront structural exclusion, remove legal or practical barriers linked to statelessness, and contribute to more equitable systems through realisation of human rights. Nominations can be submitted until 1st February 2026. To find more information and access the nomination form, see [here](#).
- [Palestine Refugees and International Law short course](#), in-person on Friday 13 March and Saturday 14 March 2026 in Beirut – this short course places the Palestinian refugee case study within the broader context of the international

human rights regime. It examines, within a human rights framework, the policies and practices of Middle Eastern states as they impinge upon Palestinian refugees.



Resources

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

- [\(ENS\) Legal Briefing on the Rights of Stateless Palestinians in the UK](#) (September 2025): This briefing provides an overview of the routes to protection and leave to remain for Palestinians present in the United Kingdom (UK). It outlines the international legal frameworks and their application in the UK, and examines the legal and practical barriers faced by Palestinians in securing recognition as refugees and stateless persons.
- [\(ENS\) Statelessness Determination and Protection in Europe](#) (October 2025): Our updated briefing summarises how the 34 countries featured in our [Statelessness Index](#) perform against international norms and good practice in law, policy and practice on statelessness determination and the protection of stateless people.
- [\(ENS\) Harnessing pro bono collaboration](#) (November 2025): ENS Legal Policy Coordinator Patrícia Cabral reflects on the PILnet Global Forum in Rome, which brought together legal professionals, civil society actors and advocates committed to advancing justice through pro bono collaboration.
- [\(EUAA\) Comparative Overview of Legal Assistance and Representation in the Asylum Procedure](#) (December 2025): The report provides a comparative mapping of access to and provision of legal assistance and representation in the international protection procedure across EU+ countries. It covers first instance determination and appeals. It also summarises the most significant changes brought by the Asylum Procedures Regulation.
- [\(EUAA\) Quarterly Overview of Asylum Case Law, Issue No 4/2025](#) (December 2025): A compilation of cases related to international protection which were pronounced from September-November 2025.
- [\(FRA\) Better legislation – Human rights impact assessments in lawmaking](#) (December 2025): This report examines how human rights impact assessments (HRIAs) are built into lawmaking across the EU and its Member States and offers practical recommendations for more systematic, inclusive and evidence-based HRIAs that strengthen human rights protection and ensure better, more accountable legislation throughout the EU.
- [\(European Implementation Network\) Justice Delayed and Justice Denied: Report on the Non-Implementation of European Judgments and the Rule of Law](#) (December 2025): The report examines how EU Member States implement the judgments of Europe's two apex courts (ECtHR and CJEU). Building

on previous reports, it updates the data to 1 January 2025, expands the country coverage, and refines both the quantitative and qualitative assessments.



STATELESSNESS Case Law Database

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



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