

ENS Litigation Bulletin

February - April 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

International Courts

- [CERD finds violation against North Macedonia for confiscating the passports of Romani citizens](#)

National Courts

- [Finland: Supreme Court finds that parents must be heard in child's nationality determination](#)
- [Belgium: Antwerp Court annuls five decisions revoking Belgian nationality from children born to Palestinian parents](#)
- [Austria: Supreme Administrative Court ruled on courts' duties to carry out fact-finding to determine an asylum-seeker's nationality](#)
- [France: CNDA grants refugee status ipso facto to Palestinian from the West Bank due to UNRWA's inability to assist](#)

Stay Tuned

- [GCENR launches new Legal Atlas on Gender Discrimination in Nationality Laws](#)
- [Third Party Intervention in Begum v. UK](#)
- [Bringing statelessness to the European Court](#)
- [Pending cases](#)
- [Upcoming opportunities](#)

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 380 other cases, visit our [Statelessness Case Law Database](#).

International Courts

CERD finds violation against North Macedonia for confiscating the passports of Romani citizens

Committee on the Elimination of Racial Discrimination, *Salim and Others v North Macedonia*, communication no. 71/2020 (27 February 2026)

Seven North Macedonian citizens of Romani origin had their passports confiscated for a period of one year. This happened after they were returned to North Macedonia following unsuccessful attempts to claim asylum in Germany. Two applicants were also issued travel bans under a national policy that was later declared unconstitutional by domestic courts (but the authorities still did not return the applicants' passports). The Committee found that North Macedonia had breached the International Convention on the Elimination of All Forms of Racial Discrimination, including for: failing to align national practices with the obligation to eliminate racial discrimination, failing to repeal discriminatory measures, and infringing the applicants' right to leave the country. The passport-confiscation policy amounted to indirect discrimination against Roma, and the authorities failed to take effective measures to implement the domestic court ruling. The Committee emphasised the State's responsibility to provide appropriate reparation and called for additional steps to ensure that existing legislation is effectively applied to prevent indirect discrimination. The applicants were supported by the European Roma Rights Centre (ERRC), an ENS member, in pursuing the case domestically and before the Committee. For more, see ERRC press release [here](#).

National courts

Finland: Supreme Court finds that parents must be heard in child's nationality determination

Finland – Supreme Administrative Court, *Applicants v Finish Immigration Service*, KHO:2025:79 (15 December 2025)

The case concerns the nationality determination of a child born in Finland to asylum-seeking parents, who had previously been recognised as refugees in another State. Although the parents' nationality was established, the child's nationality could not be reliably verified. The Finnish Immigration Service determined that the child had the same nationality as their parents, relying partly on country-of-origin information and based on the nationality law of the parents' country of origin. The Helsinki Administrative Court upheld this decision. On further appeal, the Supreme Administrative Court held that the authorities should first hear the parents, as the assessment directly affected whether the child could access a legal safeguard in the Nationality Act that grants Finnish nationality at birth to children born in Finland to refugee parents. The court also found that the authorities had not assessed whether the child acquired the parents' nationality automatically or whether it would require the registration of birth or other steps requiring contact with that State's authorities, which may be impossible due to the parents' refugee status. The Supreme Administrative Court annulled the earlier decisions and remitted the case for a fresh examination, requiring the authorities to hear the parents and then assess, on a properly established factual basis, whether the child could obtain their parents' nationality or might instead qualify for Finnish nationality.

See summary on EUAA Case Law Database [here](#).

Belgium: Antwerp Court annuls five decisions revoking Belgian nationality from children born to Palestinian parents

Belgium – Antwerp Court of First Instance, Family Division (27 February 2026) [case numbers not available]

Five children born in Belgium to refugee parents of Palestinian origin had acquired Belgian nationality, on the basis that they were otherwise considered stateless and in line with the Belgian Nationality Code. The Antwerp registrar later re-examined the cases and concluded that the children could obtain Palestinian nationality through their parents and revoked their Belgian nationality. On appeal, the Court of First Instance found that the children did not hold any other nationality, and annulled the decisions that had revoked their Belgian nationality. Drawing on information provided by the Palestinian Mission to the EU, Belgium and Luxembourg, and relevant country-of-origin information, the Court ruled on the basis that: (i) there is no formal Palestinian nationality law, (ii) Palestinian civil registration is controlled by Israel and cannot be carried out from abroad, (iii) refugee parents cannot enter the Occupied Palestinian Territories to register their children, and (iv) Belgium's recognition of the State of Palestine does not affect the assessment of whether a child holds Palestinian nationality. The Court rejected the Public Prosecutor's concern that providing access to Belgian nationality in such cases could attract parents to Belgium, emphasising that such policy considerations cannot override the legislature's clear intention to prevent statelessness.

See summary on EUAA Case Law Database [here](#). This case was a result of impact litigation conducted by several lawyers. For further information on the issue, see [ENS Briefing on the right to a nationality of children born to Palestinian parents in Belgium](#), outlining concerns about this practice and Belgium's relevant international legal obligations (February 2024).

Austria: Supreme Administrative Court ruled on courts' duties to carry out fact-finding to determine an asylum-seeker's nationality

Austria – Supreme Administrative Court, RA 2025/14/0320 (4 December 2025)

The applicant sought international protection in Austria, stating that he was born in Bangladesh to parents who had fled Myanmar and that he was of Rohingya origin. He initially claimed to hold the nationality of Myanmar but later stated that he was stateless. The Federal Office for Immigration and Asylum (BFA) rejected his asylum application and issued a return decision to Bangladesh, based on its conclusion that the applicant was a Bangladeshi national, alongside additional credibility concerns. On appeal, the Federal Administrative Court (BVwG) set aside the decision and remitted the case to the BFA. It found that the authority's assessment of the applicant's nationality and ethnicity was inadequately reasoned and relied on unsuitable evidence (e.g. unsupported assumptions based on dialect, inconsistent treatment of the applicant's statements), and that it failed to investigate key documents or obtain relevant expert or country-of-origin assessments. On appeal, the Supreme Administrative Court held that these shortcomings did not amount to the level of investigative failure required to justify remitting the case back to the BFA. It acknowledged that the BFA's nationality reasoning was inconclusive, but found that the BFA had conducted the relevant investigative steps and that the BVwG should have completed any further fact-finding

itself rather than sending the case back, as such remittals unnecessarily prolong proceedings. The Supreme Administrative Court therefore annulled the remittal order and returned the case to the BVwG for further examination, including on the applicant's nationality. See summary on EUAA Case Law Database [here](#).

France: CNDA grants refugee status ipso facto to Palestinian from the West Bank due to UNRWA's inability to assist

France – Cour nationale du droit d'asile (CNDA), *R. v OFRPA*, 24019510 C+ (8 December 2025)

The applicant is a stateless Palestinian from the West Bank registered with UNRWA. He entered France in late 2021 and applied for international protection, but his claim was rejected for lack of a well-founded fear of persecution. On appeal before the CNDA, the applicant additionally relied on the severe deterioration of security and humanitarian conditions in the West Bank since October 2023, as well as UNRWA's increasing inability to operate effectively. The CNDA considered the request admissible as these developments constituted genuinely new elements that could not previously have been invoked. On the merits, the CNDA reviewed country-of-origin information, including two Israeli laws from 2025 prohibiting UNRWA from operating or interacting with Israeli authorities, and Israel's withdrawal from the cooperation agreement with UNRWA. The Court found that these measures had severely impaired UNRWA's capacity to ensure minimum safety or living conditions for Palestinians in the West Bank. Applying Article 1(D) of the 1951 Convention and the CJEU's judgment in LN, SN, the CNDA concluded that UNRWA's protection had ceased for Palestinian refugees. As the applicant was registered with UNRWA and no exclusion grounds applied, he was entitled ipso facto to refugee status. The CNDA therefore annulled OFPRA's inadmissibility decision and recognised him as a refugee. See CNDA press release [here](#).



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.

GCENR launches new Legal Atlas on Gender Discrimination in Nationality Laws

A new [Legal Atlas on Gender Discrimination in Nationality Laws](#) has been launched by the [Global Campaign for Equal Nationality Rights](#) (GCENR). The Legal Atlas is an interactive online platform mapping countries with gender discriminatory nationality laws and offering in-depth country profiles. It highlights how these legal barriers affect children's access to other rights and services as residence, education, and healthcare, and provides an overview of safeguards to prevent statelessness.

Third Party Intervention in Begum v. UK

ENS and The AIRE Centre were recently granted leave to jointly intervene as a third-party in the case of [Begum v. The United Kingdom](#) (no. 36427/24), before the European Court of Human Rights. We will analyse, among other aspects of the case, the consequences of citizenship deprivation when a person is made stateless, States' obligations to prevent and reduce statelessness, how trafficking increases the

risk of statelessness, and States' duties to identify and protect child victims of trafficking.

Bringing statelessness to the European Court

In March, Patricia Cabral, our Legal Policy Coordinator, took part in a meeting with the European Court of Human Rights in Strasbourg. We highlighted the challenges stateless people face in accessing justice, raised concerns about barriers in current judicial systems, and proposed ways to make the Court more responsive, accessible, and adaptable to stateless people. We also strengthened collaboration and built synergies with civil society organisations and partners across Europe who are using litigation as a tool for change.

Pending cases

- In Case [C-653/25](#), the Bucharest Regional Court asks the CJEU whether applications to recover Romanian nationality can be processed within two years instead of five months. The question specifically relates to an amendment to national legislation which increases the processing time, applying that amendment to both new and pending applications for recovery of Romanian nationality. The applicant argues that the retroactive application of this amendment delays his ability to regain Romanian nationality, and therefore EU citizenship, undermines *inter alia* his right to good administration and to an effective remedy. The national court seeks guidance on whether such a major delay, justified mainly by administrative workload, is compatible with EU law, including the principles of proportionality, legal certainty and the rights associated with EU citizenship.

Upcoming opportunities

- [\(International Institute of Humanitarian Law\) Online Statelessness Course](#): The four-week online course intends to build participants' practical capacity to address statelessness, covering international legal standards, causes and impacts of statelessness, and tools for prevention and reduction. The sessions will be delivered by experts working in the field of statelessness, members of academia, or persons with lived experience from around the world. **Registration deadline: 13 April 2026 (TODAY!).** See more and apply [here](#).
- [\(Statelessness and Citizenship Review\) Call for submissions](#): Submissions are now open for Volume 9(1) of the Statelessness & Citizenship Review, welcoming articles on any aspect of statelessness or citizenship from all disciplines, as well as pieces for the critique and comment, case notes, and book review sections. **Deadline: 1 October 2026.** See more [here](#).



Resources

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

- [\(GCENR\) Legal Atlas on Gender Discrimination in Nationality Laws](#) (March 2026) – a new interactive online platform mapping countries with gender discriminatory nationality laws and offering in-depth country profiles.
- [\(ENS\) Statelessness Index](#) (several countries updated in January/February 2026) –The Statelessness Index is a comparative tool that assesses European countries’ law, policy, and practice on the protection of stateless people and the prevention and reduction of statelessness, against international norms and good practice. Several countries were recently updated, and a new country profile is available on [Armenia](#).
- [\(CDCJ\) Compendium of promising practices on access to nationality for stateless children across Europe](#) (February 2026) – This new compendium highlights promising practice on access to nationality for stateless children, from early prevention to improved birth registration, legal aid, and training for frontline professionals.
- [\(UNHCR\) Background Note on Gender Equality, Nationality Laws and Statelessness 2026](#) (March 2026) - This background note examines gender discrimination in nationality legislation that prevents women from conferring nationality on their children on an equal basis with men.
- [\(EUAA\) Quarterly Overview of Asylum Case Law, Issue No 1/26](#) (March 2026) - A compilation of judgments related to international protection which were pronounced from December 2025-March 2026.
- [\(EUAA\) Jurisprudence related to Asylum Pronounced by the Court of Justice of the EU in 2025](#) (March 2026) - This fact sheet captures CJEU decisions related to asylum in 2025. It provides summaries of the cases and how they shape the functioning of the Common European Asylum System (no specific mention to statelessness).
- [\(EUAA\) COI Query - Bangladesh: Procedure for Persons of Rohingya Origin](#) (March 2026) - A review covering January 2022–4 March 2026, including procedures related to passport access for persons of Rohingya origin.
- [\(GLOBALCIT\) The state of citizenship in a wider Europe: towards convergence?](#) (January 2026) - A comparative review of Eastern European states tracing how citizenship laws have evolved since 2000 in response to Europeanisation, migration, and demographic change.





European Network on Statelessness

Canopi | 82 Tanner Street | London SE1 3GN | 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.