

Netherlands - Council of State (Raad van State), ECLI:NL:RVS:2013:BZ7594

The applicant, a stateless Palestinian, was denied naturalisation in the Netherlands as he could not submit a legalised copy of his birth certificate, even though he did comply with all other requirements for obtaining Dutch nationality. He argued that it is not feasible for him to obtain a birth certificate from Israel, and submitted supporting statements from the formal Palestinian Delegation in the Hague, but neither the authorities nor the courts were convinced, and his naturalisation request remained denied, leaving him stateless.

Case name (in original language) : ECLI:NL:RVS:2013:BZ7594

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Citation:

<https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RVS:2013:BZ7594>

Date of decision: 03/04/2013

State: Netherlands

Court / UN Treaty Body: Council of State of the Netherlands (Raad van State)

Language(s) the decision is available in: Dutch

Applicant's country of birth: Israel

Applicant's country of residence: Netherlands

Key aspects: Acquisition of nationality, Birth registration, Standard of proof

Facts

The applicant is a stateless Palestinian who has a residence permit in the Netherlands. His request for naturalisation, submitted in 2010, was denied as he did not provide a legalised birth certificate and his identity has not been sufficiently established.

Legal arguments by the applicant

The applicant argued that he is unable to travel to Israel to obtain his birth certificate, and that his situation needs to be considered as the one where proof cannot be reasonably demanded.

Legal arguments by the opposing party

The State Secretary has also taken the position that there a situation where proof cannot be reasonably demanded did not occur in the case of the applicant.

Decision & Reasoning

The Court reasoned as follows:

"4.1. The [lower instance court] has held that it has not been proven that in the country where the applicant would need to obtain his birth certificate, which according to him is Israel, the civil status registers do not exist or are incomplete, nor was it proven that due to the existing political situation in that country no such documents can be obtained. The applicant has not substantiated with evidence his claim that he cannot travel to Israel as a stateless Palestinian. The mere reference to [a letter from the police] of 31 August 2006 does not alter this, since it cannot be inferred from this letter that at the time the applicant submitted his naturalisation request, 28 June 2010, about four years later, a laissez-passer could not be obtained. The applicant has also not substantiated with evidence that he cannot obtain documents in Israel, and that he has not been able to find (professional) third parties residing there to try to obtain the birth certificate through them. The statement from the Palestinian General Delegation in The Hague of 10 March 2011 does not lead to a different conclusion either, since, as the [lower instance court] rightly found, it does not lead to the conclusion that the applicant cannot obtain a birth certificate."

Decision documents

[RvS_3Apr2013.pdf](#)

Outcome

The court upheld the administrative decision of the authorities to deny the applicant's naturalisation request, leaving him stateless.