

Luxembourg - Administrative Court, judgment no. 26395C

The applicant is a stateless Palestinian from Lebanon, who was denied statelessness status recognition as he was found to fall under the exclusion grounds of the 1954 Convention, even after leaving the territory under UNRWA mandate.

Case name (in original language) : 26395C

Case status: Decided

Case number: 26395C

Citation: <https://ja.public.lu/25001-30000/26395C.pdf>

Date of decision: 04/02/2010

State: Luxembourg

Court / UN Treaty Body: Administrative Court of Luxembourg

Language(s) the decision is available in: French

Applicant's country of birth: Lebanon

Applicant's country of residence: Luxembourg

Legal instruments: 1954 Statelessness Convention, 1961 Statelessness Convention

Key aspects: Discrimination, Exclusion grounds, Stateless status and documentation, Statelessness and asylum, Statelessness determination

Facts

Applicant is a Palestinian born in Lebanon in 1963. He applied for asylum in Luxembourg in 2004, a request that was definitively rejected in 2006. He later received a toleration status. In 2009 he applied to be recognised as a stateless person, but this was also denied by the authorities. He challenged this decision in court, with the first instance court ruling against him prior to the present judgment.

Legal arguments by the applicant

The applicant claimed that even though he is registered with UNRWA, the organisation cannot protect him. He is not a national of any state because he has never been to the territories of the Palestinian Authority and is not eligible for a Palestinian passport. He has always lived in Palestinian camps in Lebanon, and had never obtained a card for Palestinian refugees. He argues that he belongs to an inherently stateless group of Palestinians in a protracted situation, without a Palestinian, a Lebanese or an Israeli nationality. He provided a statement from the Palestinian delegation in Brussels, confirming that he does not meet the residency conditions to obtain a Palestinian passport. The applicant moreover argued that he does not fall under the exclusion grounds of the 1954 Convention, as at the time of submitting the application for the recognition of his statelessness status he was no longer in the territory under UNRWA's mandate. A different interpretation of this clause would infringe on the principle of protection of stateless persons.

Legal arguments by the opposing party

The authorities asked the Court to confirm the lower instance court's judgment. They maintained that the applicant falls under the exclusion grounds of Article 1(2) of the 1954 Convention.

Decision & Reasoning

The Court found that having previously applied for a refugee status does not preclude the applicant from applying for a statelessness status.

Regarding the issue of whether the applicant falls under the exclusion grounds of the 1954 Convention, the Court reasoned as follows:

"Considering that it appears from the documents that [the applicant] was born on 15 April 1963 in the camp of ..., located on the territory of the Lebanese Republic, and having thus found himself under the protection of [UNRWA], which is to be considered as a UN agency other than the UNHCR within the meaning of point 2 of Article 1 of the aforementioned New York Convention, as rightly found by the [first instance] judges;"

"Considering that from then on the applicant, considering the situation, continued to fall under the protection of UNRWA, even after his departure from the camp ..., as he was born there to people originating from the old Palestine, thus qualifying him for such protection also on the date that the contested administrative decision was

taken, which found him not eligible for a statelessness status on the basis of Article 1(2) of the aforementioned New York Convention;”

Decision documents

[Luxembourg_4Feb2010.pdf](#)

Outcome

The Court declared the appeal unfounded and confirmed the lower instance court’s ruling which denied the applicant access to the statelessness status on the basis of exclusion grounds.