



STATELESSNESS

Case Law Database

[France - Versailles Administrative Court of Appeal, case no. 10VE04202](#)

The applicant was born in the USSR, on the territory of contemporary Ukraine. He was denied stateless status in France on the basis that he did not make any efforts to get recognised as a national by either Ukraine or Russia. The Court upheld OFPRA's decision, ruling moreover that since the statelessness determination procedure is not aimed at granting residence rights, the applicant cannot rely on potential violations of articles 3 and 8 ECHR in case he is forced to return to Ukraine.

Case name (in original language) : Cour Administrative d'Appel de Versailles, 5ème chambre, 19/01/2012, 10VE04202

Case number: 10VE04202

Date of decision: 19/01/2012

State: France

Court / UN Treaty Body: Versailles Administrative Court of Appeal

Language(s) the decision is available in: French

Applicant's country of birth: Ukraine

Applicant's country of residence: France

Legal instruments: 1954 Statelessness Convention, European Convention on Human Rights (ECHR)

Key aspects: Burden of proof, Determination/confirmation of nationality, Residence permit, Respect for private and family life, Standard of proof, State succession, Stateless status and documentation, Statelessness determination

Relevant Legislative Provisions:

Article 1 of the 1954 Convention relating to the Status of Stateless Persons

Articles 3 and 8 ECHR

Facts

The applicant was born in 1967 in Vassilkov (former USSR, Ukraine), and entered France on August 31, 1998, after having attempted to obtain refugee status in the Netherlands. He applied for a statelessness status in France, which was rejected on the 21st of June 2004.

Legal arguments by the applicant

The applicant argued that OFPRA's procedure violated his rights of defence, and that the resulting decision lacks reasoning. Moreover, the applicant argued that article 1 of the 1954 Convention does not require him to contact Russian or Ukrainian authorities, and that such requirement amounts to OFPRA disregarding the content of Article 1 of the 1954 Convention. The applicant also claimed that his rights under Articles 3, 8 and 13 ECHR have been disregarded.

Decision & Reasoning

The Court rejects the procedural claims of the applicant without extensive explanation.

As to the statelessness status and the infringement of the ECHR, the Court reasons as follows:

"The applicant does not provide any evidence that he would not have been able to be recognised as a national by any of the successor states of the Soviet Union. By not pursuing the possibilities with either Russia or Ukraine to be recognised as a national, the applicant placed himself in a situation of being a former national of a state that has disappeared in 1991."

"Considering that the decision which grants or refuses to grant the status of a stateless person does not in itself aim or results in conferring or withdrawing the right to stay in France, the applicant's claim that if he is returned to Ukraine he would suffer treatment prohibited by Article 3 of the ECHR is inoperative and can only be set aside. Similarly, the applicant cannot effectively rely on the claim that the contested decision would have infringed on his right to family life so as to

violate Article 8 of the ECHR."

Decision documents

[Versailles19Jan2012.pdf](#)

Outcome

The Court upheld OFPRA's decision to refuse the statelessness status.