



[Netherlands - Council of State \(Raad van State\), ECLI:NL:RVS:2013:823](#)

The applicants are ethnic Armenians from Azerbaijan, and claim to be stateless. The applicants applied for naturalisation, which was denied to them on the basis that their identity could not be adequately established, as they neither submitted a valid travel document nor a valid birth certificate from Azerbaijan, and the Dutch municipality records did not formally recognise them as stateless. The Court upheld the administrative decision.

Case name (in original language) : ECLI:NL:RVS:2013:823

Case number: ECLI:NL:RVS:2013:823

Citation:

<https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RVS:2013:823>

Date of decision: 21/08/2013

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: Azerbaijan

Applicant's country of residence: Netherlands

Key aspects: Acquisition of nationality, Discrimination, Standard of proof, State succession, Statelessness determination

Facts

The applicants applied for naturalisation, which was denied to them by an administrative decision 2011, on the basis that their identity could not be adequately established, as they neither submitted a valid travel document nor a valid birth certificate.

Legal arguments by the applicant

The applicants argued that they are stateless, and that they never declared to have an unknown nationality - which is according to them a category used by the municipal registry in an arbitrary manner. They refer to the situation of ethnic Armenians from Azerbaijan, that resulted from de-registrations, and claim to be stateless due to that situation.

Legal arguments by the opposing party

The authorities argued that the applicants' situation cannot be described as such where relevant evidence cannot reasonably be required from them.

Decision & Reasoning

Concerning the allegation of statelessness, the Court reasoned as follows:

"[...] the argument that the applicants are stateless is unfounded, if only because they are registered as having an unknown nationality in the municipal records. Their argument that it has been randomly decided to register them as having an unknown nationality instead of being stateless has not been explained, and cannot therefore alter this conclusion. Their reference to the situation of ethnic Armenians in Azerbaijan does not lead to a different conclusion either. The applicants have referred to the thematic report on nationality and immigration in Azerbaijan of July 2011 by the Minister of Foreign Affairs (hereinafter: the thematic report). The report shows that registration at the place of residence of many ethnic Armenians has been removed from the population registers in Azerbaijan, as a result of which ethnic Armenians, who did not have residence registration in Azerbaijan at the time of entry into force of the 1998 Citizenship Act in Azerbaijan, have effectively lost their nationality. However, the thematic report also states that it is possible that the registration data of some have been preserved. The applicants have not proven that their data has in fact been removed from the registers in Azerbaijan, and therefore the [lower instance court] has rightly not found any legal ground for concluding that the applicants are stateless."

Decision documents

[RvS_21Aug2013.pdf](#)

Outcome

The Court upheld the administrative decision to deny applicants their naturalisation request.