



## [Netherlands - Council of State \(Raad van State\), ECLI:NL:RVS:2013:BZ8452](#)

The applicant attempted to naturalise in the Netherlands, but her request was rejected because she did not submit a legalised birth certificate. The applicant argued that as an ethnic Armenian from Azerbaijan she is most likely stateless, and would not be able to get assistance from the authorities in obtaining a birth certificate. The Court upheld the administrative decision to deny naturalisation, as not sufficient evidence was provided that it was in fact impossible for the applicant to obtain a birth certificate in her country of origin.

**Case name (in original language) :** ECLI:NL:RVS:2013:BZ8452

**Case status:** Decided

**Case number:** ECLI:NL:RVS:2013:BZ8452

**Citation:**

<https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RVS:2013:BZ8452>

**Date of decision:** 24/04/2013

**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:** Azerbaijan

**Applicant's country of residence:** Netherlands

**Key aspects:** Acquisition of nationality, Birth registration, Standard of proof, State succession

**Facts**

The applicant belongs to the ethnic Armenian minority from Azerbaijan. She applied for naturalisation in the Netherlands, which was rejected in 2011 because she did not submit a legalised birth certificate, even though she complied with all other requirements for naturalisation.

**Legal arguments by the applicant**

The applicant maintain that she has most probably been de-registered from her place of birth and that it cannot be expected from her to contact authorities in these countries in order to obtain a legalised birth certificate. In support of this the applicant referred to various reports of the Dutch Ministry of Foreign Affairs on Azerbaijan and Armenia. She states that she, being stateless, has made efforts to obtain the required documents from the embassies of Azerbaijan and Armenia, but without any luck.

### **Legal arguments by the opposing party**

The authorities rejected the naturalisation application as it lacked a legalised birth certificate. The authorities argued that the applicant cannot claim to be in a situation where she cannot be reasonably expected to provide necessary proof.

### **Decision & Reasoning**

The Court reasoned as follows:

"4.1. The applicant has not demonstrated that she cannot obtain a legalised birth certificate from the Armenian or Azerbaijani authorities. The mere assertion that she wrote to the Azerbaijani embassy twice to issue her the requested document - without having received an answer - and that she had contacted the Armenian embassy by telephone for that purpose, are insufficient. The applicant also merely stated that she was probably deregistered from her place of birth and that the civil status registers at her place of birth are incomplete, referred to the Dutch government's thematic report on nationality and immigration in Azerbaijan of July 2011, but has not shown that this is actually the case. Although it seems that the residence registration of many ethnic Armenians has been removed from the population registers in Azerbaijan, the report also indicates that the registration of some may have been preserved. Furthermore, the applicant has not substantiated that, as she claims, stateless persons are not helped by the authorities of Armenia or Azerbaijan. In view of this, [...] is cannot be concluded that [obtaining a legalised birth certificate] should not be required of the applicant. Furthermore, the Court assigns significance to the fact that the applicant has not actually attempted, if necessary with the help of a - professional - third party, to obtain the requested document from the Armenian or Azerbaijani authorities. In view of the foregoing, there is no basis to conclude that [the lower instance court] wrongly rejected the applicant's argument that the [authorities] should have upheld her claim of lack of

evidence."

### **Decision documents**

[RvS\\_24April2013.pdf](#)

### **Outcome**

The Court confirmed the administrative decision that denied the applicant's naturalisation request, most likely leaving her stateless.