



## Czech Republic - Supreme Administrative Court, H. A. A. v Ministry of Interior

Stateless people should be granted a legal status and identity card during the statelessness determination procedure. The State's failure to grant a right to stay on the territory while waiting for a decision is in violation of the applicant's right to respect for private and family life.

**Case name (in original language) :** H. A. A. proti Ministerstvu vnitra

**Case status:** Decided

**Case number:** 4 Azs 365/2018-74

**Date of decision:** 12/03/2019

**State:** Czech Republic

**Court / UN Treaty Body:** Supreme Administrative Court

**Language(s) the decision is available in:** Czech

**Applicant's country of birth:** Palestine

**Applicant's country of residence:** Czech Republic

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

**Key aspects:** Protection, Respect for private and family life, Stateless status and documentation, Statelessness determination

### **Relevant Legislative Provisions:**

- Articles 27 and 28 of the 1954 Convention relating to the Status of Stateless Persons
- Article 8 of the European Convention on Human Rights
- Czech Asylum Law n. 325/1999

### **Legal arguments by the applicant**

An identity document should be granted. The legal provisions are so vague and minimal that they create a procedure that lacks transparency. The applicant relied

on Hoti v. Croatia.

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

The law does not provide for identity documents for statelessness applicants. The Czech Republic entered reservations to Articles 27 and 28 of the 1954 Convention relating to the Status of Stateless Persons, therefore it is only bound to issue identity or travel documents to persons having permanent residence permits in the Czech Republic and is in line with domestic and international law.

### **Decision & Reasoning**

Case regarding status of SDP applicants. They should be granted legal status during the procedure. The applicant should get a certificate of applicant (proof of application) that grants him legal stay on the territory in the same way as for the asylum seekers. It has stated that the inaction of the state (in this case the refusal to give any legal status to the applicant - certificate of application) is in contradiction with claimant's right to private and family life.

The court held that applicants for the SDP should be granted legal status and identity documents during the procedure. The applicant should receive a certificate of application (proof of application) that grants him the right to stay on the territory in the same way as for asylum seekers. The court has stated that the inaction of the State (in this case the refusal to grant any legal status to the applicant - e.g. certificate of application) is in contradiction with the applicant's right to respect for private and family life.

The court also stated that the reservation made by Czech Republic to Articles 27 and 28 is irrelevant as it concerns the status and not the procedure.

### **Decision documents**

[Supreme Administrative Court, H. A. A. v Ministry of Interior](#)

### **Outcome**

This decision establishes that persons applying for the status of a stateless person enjoy lawful residence in the Czech Republic for the whole length of the procedure and such persons should obtain identity documents issued by the Ministry of the Interior.

### **Caselaw cited**

European Court of Human Rights, Hoti v. Croatia, application no. 63311/14, 26 April 2018

Czech Municipal Court Prague, decision 10 A 155/2017