



# STATELESSNESS

## Case Law Database

### [Netherlands - The Court of The Hague, NL20.17797](#)

This case concerns a stateless Palestinian who grew up in a refugee camp in Lebanon, the Ein El-Hilweh camp, before applying for asylum in the Netherlands. The Court considered that the general information submitted shows a substantial deterioration in the situation for Palestinian stateless people in Lebanon and in particular in the Ein El-Hilweh camp. The Court found that the Secretary of State's decision was flawed and that it must reconsider the application considering relevant factors, including whether UNRWA's support met minimum requirements. An appeal is pending.

**Case name (in original language) :** ECLI:NL:RBDHA:2021:5664

**Case status:** Appealed

**Case number:** ECLI:NL:RBDHA:2021:5664

**Citation:** Netherlands, the Court of The Hague ECLI:NL:RBDHA:2021:5664, 4 June 2021

**Date of decision:** 04/06/2021

**State:** Netherlands

**Court / UN Treaty Body:** The Court of The Hague

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

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

**Legal instruments:** Other international law

**Key aspects:** Statelessness and asylum

**Relevant Legislative Provisions:**

Article 1D of the Refugee Convention

#### **Facts**

The applicant grew up in a refugee camp in Lebanon. The Netherlands Secretary of State rejected his first application for asylum, in part because he found aspects of

the applicant's claim not credible and considered that the applicant had failed to establish that he could not, for a reason beyond his control, access the protection or assistance of UNRWA; thus, he was excluded under Article 1D. The applicant subsequently made a new application, which the Secretary of State rejected on the basis that it did not present new information. The applicant appealed this decision.

## **Decision & Reasoning**

On appeal, the Court of the Hague observed that the later application provided information showing a deterioration of the conditions in Ein El-Hilweh camp and for Palestinians in Lebanon more generally, in part due to COVID-19 and a major explosion in Lebanon in August 2020. The Court observed that Palestinians in Lebanon were increasingly reliant on UNRWA as their sole source of support and that UNRWA's precarious funding situation was relevant to the applicant's case. The Court also observed that pursuant to the CJEU decision in [Germany v XT](#), both UNRWA's ability to provide protection or assistance commensurate with its mission and the applicant's ability to actually enter an UNRWA field of operation were relevant considerations. There was evidence indicating that return might be impossible:

"Since the Lebanese elections in May 2018, [Palestinian refugees from Lebanon] living abroad without a [Lebanese] residence permit cannot obtain travel documents from the Lebanese authorities. Their return to Lebanon is stalled."

## **Decision documents**

[Netherlands, the Court of The Hague, ECLI:NL:RBDHA:2021:5664, 4 June 2021](#)

## **Outcome**

The Court found that the Secretary of State's decision was flawed and that it must reconsider the application considering relevant factors, including whether UNRWA's support met minimum requirements.

The Secretary of State appealed the decision relating to the necessity to assess the applicant's ability to gain access to Lebanon. This appeal is pending before the Council of State.

**Links to other relevant materials related to the case (blogs, analysis, articles, reports, etc.)**

ENS & BADIL, Palestinians and the Search for Protection as Refugees and Stateless Persons (p. 25): <https://www.statelessness.eu/updates/publications/palestinians-and-search-protection-refugees-and-stateless-persons>

**Caselaw cited**

[CJEU, Germany v XT, Case C-507/19, 13 January 2021](#)