



[France - Administrative court of appeal of Versailles, 7th Chamber, 10 July 2018, n° 17VE02514](#)

The applicant originally from Azerbaijan unsuccessfully applied for statelessness status in France following the rejection of his asylum claim. The Court found that in his application for statelessness status, the applicant did not show that the legal provisions governing the law of nationality in the countries with which he had a link were not applicable to him or were not applied to him by the authorities of these countries, and he did not provide evidence of having made 'repeated and assiduous approaches' to the authorities of these countries to be recognised a national, or of having been refused nationality by them after examination of his application. Moreover, the applicant cannot simply invoke the absence of registration in a country if he has resided in said country for a long time.

Case name (in original language) : Cour administrative d'appel de Versailles, 7ème chambre, 10 juillet 2018, n°17VE02514

Case status: Decided

Case number: 17VE02514

Citation: France, Cour administrative d'appel de Versailles (Judgment No. 17VE02514) 10 July 2018

Date of decision: 10/07/2018

State: France

Court / UN Treaty Body: Cour administrative d'appel de Versailles

Language(s) the decision is available in: French

Applicant's country of birth: Azerbaijan

Applicant's country of residence: France

Legal instruments: 1954 Statelessness Convention

Key aspects: Burden/standard of proof, Statelessness determination

Relevant Legislative Provisions:

International Law

- Convention relating to the Status of Stateless Persons, New York, 28 September 1954

Council of Europe

- European Convention on Human Rights (ECHR) - Article 3
- Charter of Fundamental Rights of the European Union, Articles 41, 47 et 48
- Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status
- Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection

National Law

- Code of entry and stay of foreigners and asylum law (le code de l'entrée et du séjour des étrangers et du droit d'asile, CESEDA) - article R.721-1;
- Law n° 91-1647 of 10 July 1991 on legal aid;
- French Code of Administrative Justice.

Facts

The applicant, originally from Azerbaijan, applied for asylum in France in 2007, but his application was rejected. In 2012, after having been refused the issuance of a residence permit, the applicant was required to leave the country and Azerbaijan was set as the country of destination. He subsequently applied for the recognition of statelessness status in 2014 and his application was rejected in 2015. The applicant challenged the lawfulness of the decision rejecting his statelessness status.

Legal arguments by the applicant

The applicant claimed that he was stateless because neither the present Republic of Azerbaijan, where he says he was born and lived until 1994, nor the Russian Federation, where he says he lived between 1994 and 2006, nor the Republic of Armenia, from which his mother originates, were likely to recognise him as a national. He referred to the absence of registration during his twelve-year stay in Russia, the tensions between Armenia and Azerbaijan, and the report of the hearing of his son by the Azerbaijani consular authorities in France, mentioning that the

latter had declared himself to be of Armenian nationality.

Decision & Reasoning

On the basis of Article 1 of the 1954 Convention which provides that the term 'stateless person' means 'a person who is not considered as a national by any State under the operation of its law', the Administrative Court of Appeal held that the applicant should not benefit from statelessness status as he could have availed himself of a number of legal provisions to apply for a nationality in several countries, but that (i) he did not invoke any element that would allow him to consider that those provisions were not applicable to him or were not applied to him by the authorities of these countries, and (ii) he has not proven that he has undertaken repeated and assiduous approaches with these various States to be recognised as a national of one of these countries.

Indeed, the Administrative Court of Appeal recalls that according to his statements, the applicant was born in 1963 in the former Soviet Socialist Republic of Azerbaijan, then a member of the Union of Soviet Socialist Republics (USSR), and lived there until 1994, after the independence of the Republic of Azerbaijan proclaimed in 1991. The Court inferred from these elements that the applicant falls within the scope of Article 5 of the Azerbaijan Citizenship Act of 30 September 1998, concerning persons who had their place of residence in the Republic of Azerbaijan before 1 January 1992; and also falls within the scope of article 18 of the Russian Citizenship Law of 28 November 1991, relating to citizens of the USSR residing permanently in the territory of one of the republics that were part of the USSR on 1 September 1991, and of article 14 of the Russian Citizenship Law of 31 May 2002, which provides for the acquisition of this nationality by a simplified procedure benefiting former Soviet citizens who had been resident in the various States making up the USSR. In addition, given the Armenian origins of his mother, the court considers that the applicant could also avail himself of the Armenian law on nationality of 24 November 1995, article 13, which allows any person of Armenian ethnic origin to apply for this nationality.

The Administrative Court of Appeal then considers that the applicant does not establish that he falls within the scope of the provisions of article 1 of the 1954 Convention because he *'does not invoke any element that would allow him to consider that the above-mentioned legal provisions were not applicable to him or were not applied to him by the authorities of these countries, [...] and [...] at the date of the contested decision, [he did not provide any] justification for having*

undertaken repeated and assiduous approaches with these various States to be recognised as a national of one of these countries or for having been refused by them after examination of his application'.

Decision documents

[Judgment](#)

Outcome

The Administrative Court of Appeal denied the applicant the status of a stateless person and confirmed the judgment from the lower Tribunal.