



[Greece - First instance court of Athens \(single-member\) 8352/2022](#)

The case concerns a stateless adult who was born out of wedlock and who applied to be recognised as a legitimate child of his father. The court found that Greek law was applicable but dismissed the case as inadmissible.

Case name (in original language) : Μονομελής Πρωτοδικείο Αθηνών 8352/2022

Case status: Decided

Case number: 8352/2022

Citation: Greece - First instance court of Athens (single-member) 8352/2022

Date of decision: 08/08/2022

State: Greece

Court / UN Treaty Body: First Instance Court of Athens (single-member)

Language(s) the decision is available in: Greek

Applicant's country of birth: Greece

Applicant's country of residence: Greece

Key aspects: Childhood statelessness, Respect for private and family life

Relevant Legislative Provisions:

Art. 20, 30, 1475, 1476, 1479, 1480, 1482, 1483 of the Greek Civil Code

Facts

The applicant, a stateless individual born out of wedlock in Greece in 2000, applied before the court to be recognised as a legitimate child of his father, who is a Greek national. His mother who was a national of Kazakhstan and later Russia, had departed from Greece.

The applicant upon adulthood had been left homeless and destitute, lacking any legal documentation. Efforts of his parents to have him legitimised have not been successful since the consent of his mother had not been properly provided.

Legal arguments by the applicant

To justify the delay in lodging his application, the applicant described his situation in detail as lacking any documentation and being homeless and destitute.

Decision & Reasoning

The court noted that since the applicant and his father both resided in Greece, the Greek legislation was applicable, even if they did not have the same nationality. The court also mentioned that Greek law is applicable to stateless people on issues related to their personal status.

However, the court found that the lawsuit against the father of the applicant should be dismissed, since it was his mother who had not provided her consent in accordance with the law.

Outcome

The court dismissed the lawsuit as inadmissible.

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

It should be noted that legitimization by a Greek father does not automatically lead to acquisition of Greek nationality, but a separate procedure should be followed, namely an application before the competent nationality authority.