



Czech Republic - Resolution of the Supreme Administrative Court, n. Nad 62/2023-59

In a dispute concerning court jurisdiction, the Supreme Administrative Court recognised the special circumstances of the claimant in an application for the determination of statelessness, and ruled that the court which would have been competent in an asylum procedure should continue the proceedings.

Case name (in original language) : Nejvyšší správní soud ve věci místní příslušnosti žaloby proti rozhodnutí o nepřiznání statusu osoby bez státní příslušnosti, Nad 62/2023-59

Case status: Decided

Case number: Nad 62/2023-59

Citation: Resolution of the Supreme Administrative Court of 17 May 2023, n. Nad 62/2023-59 (in CZ: usnesení Nejvyššího správního soudu ze dne 17. 5. 2023, čj. Nad 62/2023-59)

Date of decision: 17/05/2023

State: Czech Republic

Court / UN Treaty Body: Supreme Administrative Court

Language(s) the decision is available in: Czech

Applicant's country of birth: Ukraine

Applicant's country of residence: Czech Republic

Legal instruments: 1954 Statelessness Convention

Key aspects: Statelessness determination

Relevant Legislative Provisions:

- 1954 Convention relating to the Status of Stateless Persons
- Section 32 para. 3 of Act no. 325/1999 Coll, on Asylum
- Section 7 para. 2 of Act no. 150/2002 Coll., Code of Administrative Procedure

Facts

The Ministry of Interior issued a negative decision regarding the applicant's application for statelessness determination. By analogy with the procedure under the Asylum Act, the applicant brought the case to the Regional Court in Ostrava, as she had the registered residence in the district of this court. However, the Regional Court referred the case to the Municipal Court in Prague, arguing that decisions related to statelessness is not similar to decisions related to international protection and therefore the local jurisdiction should be based on the general rule (the location of the authority that issued the decision). The Municipal Court disagreed with this reasoning, stating that the analogy with the asylum procedure should be preserved, and referred the case to the Supreme Administrative Court to decide which court is competent to decide cases concerning statelessness determination.

Legal arguments by the applicant

According to the applicant, the analogy with the Asylum Act should also be preserved with regard to local jurisdiction. She also stated that there were other individual reasons why the Regional Court in Ostrava should decide her case, as she, her husband and her son were in a difficult economic and health situation. The travel to the Municipal Court in Prague would mean serious complications for the family.

Decision & Reasoning

While confirming its previous jurisprudence, the Supreme Administrative Court ruled that the analogy between the procedure to determine statelessness and the asylum procedure does not apply with regard to local jurisdiction. According to the court, there is no gap in the legislation that needs to be filled regarding the determination of the place of jurisdiction.

The competent local court is determined on the basis of the seat of the administrative authority that issued the decision. In cases concerning applicants for statelessness determination, it is the Ministry of Interior with its seat in Prague.

This general rule and the court's conclusion apply only to ongoing proceedings initiated under the previous legal framework. For decisions taken by the Ministry under the new law (from 2 August 2021), the provisions of the Immigration Act will apply, according to which the competent court will be determined on the basis of the foreigner's place of residence at the time of filing the lawsuit.

However, due to the special circumstances (health and economic background of the applicant), the Supreme Administrative Court ruled that, in this particular case, the court of the place of residence of the applicant, namely the Regional Court in Ostrava, should continue the proceedings.

Decision documents

[Judgment - Resolution of the Supreme Administrative Court of 17 May 2023, n. Nad 62/2023-59](#)

Outcome

The local jurisdiction for actions against decisions on statelessness determination initiated under the previous legal framework is determined on the basis of the seat of the administrative authority issuing the decision. The analogy with the Asylum Act does not apply.

However, for decisions issued after 2 August 2021, after the change in the law, different rules will apply.

In this particular case, due to the special circumstances (health and economic background of the applicant), the Supreme Administrative Court ruled that the court of the place of residence of the applicant, so the court which would have been competent in an asylum procedure, should continue the proceedings.

Caselaw cited

Supreme Administrative Court jurisprudence in the Czech Republic