



Czech Republic - Decision of the Municipal Court in Prague, n. 14 A 18/2023-35, O.H.R.R. and I.M.K.M. v Ministry of Interior

The court found that, despite the Ministry of Interior's refusal to issue identity documents to persons applying to be recognised stateless, applicants have the right to be issued with an ID. The court referred to UNHCR Guidelines and to its previous ruling, according to which the analogy with the asylum procedure should be preserved regardless of whether statelessness determination is regulated under the Asylum Act or the Immigration Act (following a legislative amendment in 2021).

Case name (in original language) : O.H.R.R. a I.M.K.M. proti Ministerstvu vnitra ČR (žaloba na nezákonný zásah)

Case status: Decided

Case number: 14 A 18/2023-35

Citation: Decision of the Municipal Court in Prague of 24 April 2023, No 14 A 18/2023-35 (in CZ: rozsudek Městského soudu v Praze ze dne 24. 4. 2023, čj. 14 A 18/2023-35)

Date of decision: 24/04/2023

State: Czech Republic

Court / UN Treaty Body: Municipal Court in Prague

Language(s) the decision is available in: Czech

Applicant's country of birth: Palestine

Applicant's country of residence: Czech Republic

Key aspects: Statelessness determination

Relevant Legislative Provisions:

- 1954 Convention relating to the Status of Stateless Persons
- Section 57 para. 2 of Act no. 325/1999 Coll., on Asylum
- Section 170d of Act no. 326/1999 Coll., on Immigration

Facts

In January 2023, the applicants submitted the application for determination of statelessness and asked the Ministry of the Interior to issue identity documents. The Ministry of the Interior asked the applicants to submit further supporting documents and informed the applicants that as of 2 August 2021, when the determination of statelessness was transferred from the Asylum Act to the Immigration Act, there was no legal provision for issuing IDs to applicants for statelessness determination, and instead of IDs, applicants were issued with confirmation of ongoing proceedings. The applicants considered such an approach as unlawful interference with their rights and brought an action to the Municipal Court in Prague.

Legal arguments by the applicant

The applicants claimed that the Ministry of the Interior's practice of not issuing identity documents to applicants for statelessness determination constituted unlawful interference with their rights, as it was not possible to access basic services without a recognised identity document. The applicants also referred to the jurisprudence of the Supreme Administrative Court of the Czech Republic (Decision No. 10 A 98/2021), according to which the analogy with the asylum procedure should be maintained.

Legal arguments by the opposing party

The Ministry of the Interior claimed that it is not possible to issue identity documents to applicants for statelessness determination because there is no legal provision in this regard. According to the Ministry, there is also no provision in the 1954 Convention that would regulate this.

Decision & Reasoning

The court ruled that the refusal to issue identity documents to applicants for statelessness determination causes complications in their daily lives and can be considered unlawful interference with their public subjective rights.

According to the court, the legislature's intent was to change the process, not to eliminate the issuance of identity documents to applicants. The court explained that if the legislature had intended to eliminate the issuance of identity documents, it would have included provisions in the amendment.

Therefore, referring to the court's previous ruling that the analogy with the asylum procedure should be maintained regardless of whether the procedure to determine statelessness is formally regulated under the Asylum Act or the Immigration Act (Municipal Court Prague, 26 January 2022, No. 10 A 98/2021-45), as well as UNHCR Guidelines, the court ruled that applicants have a right to be issued with an identity document.

The court also rejected the Ministry's argument that the 1954 Convention does not regulate the issuance of IDs to applicants for statelessness determination. Referring to the decision of the Supreme Administrative Court of 12 March 2019, No. 4 Azs 365/2018-74, the court explained that the obligation to issue IDs is not based on the provisions of the Asylum Act and its analogy to the procedure to determine statelessness, but on Article 25 of the 1954 Convention.

Decision documents

[Judgment - Decision of the Municipal Court in Prague, n. 14 A 18/2023-35, O.H.R.R. and I.M.K.M. v Ministry of Interior](#)

Outcome

Applicants for statelessness determination have the right to be issued with identity documents. The court stated that the refusal to issue such documents interferes with the applicants' public subjective rights and causes complications in their daily lives. The court's decision is in line with its previous decision that the analogy with the asylum procedure should be maintained regardless of the formal regulation of the procedure to determine statelessness.

Caselaw cited

Decision of the Municipal Court in Prague of 26 January 2022, no. 10 A 98/2021-45

Decision of the Supreme Administrative Court of 10 March 2021, no. 10 Azs 347/2020-25

[Decision of the Supreme Administrative Court of 12 March 2019, no. 4 Azs 365/2018-74](#)