



[Belgium - Court of Cassation, judgment no. S.15.0004.N/1A](#)

The Court of Cassation clarified that the fact that judges should refuse to apply the existing regulations because these violate the principle of equal treatment, does not have as a consequence that stateless persons automatically fall under the category of aliens authorised to stay on the territory by law, or are automatically equated to a recognised refugee. They still need to be granted leave to remain.

Case name (in original language) : Arrêt S.15.0004.N/1

Case status: Decided

Case number: S.15.0004.N/1

Citation: Belgium, Court of Cassation, 27 June 2016, No. S.15.0004.N/1, B.M. v. Openbaar Centrum voor Maatschappelijk Welzijn van Roeslare, available at http://jure.juridat.just.fgov.be/pdfapp/download_blob?idpdf=N-20160627-2 (in Dutch) 95 Belgium,

Date of decision: 27/06/2016

State: Belgium

Court / UN Treaty Body: Court of Cassation

Language(s) the decision is available in: Dutch

Applicant's country of birth: Macedonia

Applicant's country of residence: Macedonia

Legal instruments: 1954 Statelessness Convention

Key aspects: Residence permit

Decision & Reasoning

The Court of Cassation clarified that the fact that judges should refuse to apply the existing regulations because these violate the principle of equal treatment, does not have as a consequence that stateless persons automatically fall under the category of aliens authorised to stay on the territory by law, or are automatically equated to a recognised refugee. They still need to be granted leave to remain.

Decision documents

[Arrêt S.15.0004.N/1](#)

Caselaw cited

Constitutional Court, Judgment no. 198/2009 of 17 December 2009.

Constitutional Court, Judgment no. 1/2012 of 11 January 2012.