



[France - Lyon Administrative Court of Appeal, case no. 18LY00224](#)

The applicant claimed to have been born in Kuwait to parents of Palestinian origin. OFPRA denied him stateless status on the basis that neither his Palestinian origin nor his place of birth being Kuwait could be confirmed, and the Court upheld this administrative decision. The Court also ruled that Palestinians who are outside of the UNRWA territory are in principle not excluded from protection under the 1954 Convention.

Case name (in original language) : CAA de LYON, 5ème chambre A - formation à 3, 13/12/2018, 18LY00224

Case number: N° 18LY00224

Date of decision: 13/12/2018

State: France

Court / UN Treaty Body: Lyon Administrative Court of Appeal

Language(s) the decision is available in: French

Applicant's country of residence: France

Legal instruments: 1954 Statelessness Convention

Key aspects: Burden of proof, Exclusion grounds, Standard of proof, Statelessness determination

Relevant Legislative Provisions:

Article 1(2) of the 1954 Convention relating to the Status of Stateless Persons

Facts

The applicant was born on the 8th of March 1984 in Kuwait to parents of Palestinian origin (according to the applicant's account), and have entered France on 10 February 2014 as a Palestinian refugee. On 7 April 2015 he applied for a stateless status, which was rejected on 15 July 2015.

Legal arguments by the applicant

The applicant submitted that he was born in Kuwait to Palestinian parents, that his Palestinian origin not disputable, and that this explains why he is stateless. He left Lebanon in 2010, and Lebanon no longer accepts Palestinian refugees. He is residing in France since 2014, where UNRWA does not provide his support, and therefore he is not excluded by the exclusion grounds of paragraph 2 article 1 of the 1954 Convention.

Legal arguments by the opposing party

OFPPRA submitted that none of the applicants arguments are founded.

Decision & Reasoning

The Court reasoned as follows:

"2. Under the provisions of paragraph 2 article 1 of the convention of 28 September 1954 relating to the status of stateless persons: "This convention shall not apply: i) to persons who currently benefit from protection or assistance from from a United Nations body or agency other than the United Nations High Commissioner for Refugees, as long as they enjoy such protection or assistance ". On the basis of this provision, a person outside the area where the United Nations Relief and Works Agency for Palestine Refugees in the Middle East (UNRWA), created by resolution no. 302 (IV) of the United Nations General Assembly of December 8, 1949, carries out its activity, can no longer benefit from the assistance or protection of the latter and is, therefore, eligible to benefit from the protection of the 1954 Convention relating to stateless persons."

"3. When refusing the status of a stateless person to the applicant, who is a Palestinian refugee no longer enjoying the protection provided for by UNRWA, OFPPRA relied, on the one hand, on a document issued to the applicant on 13 August 2014 by the delegation of Palestine in The Hague according to which it "is not able to issue him a Palestinian passport because he does not have any civil status document issued by the Palestinian Authority" and, on the other hand, on the absence of any evidence allowing to establish that the applicant was in fact born in Kuwait, and that he is of Palestinian origin. The applicant maintains that he resided in Lebanon from 1991 to 2010, under the protection of UNRWA, before staying in Belgium, then entering France during the month of February 2014, but provides no evidence that effectively challenges on the basis of the aforementioned provision of the convention of September 28, 1954 the analysis of his situation by the OFPPRA and

the basis of which he was denied the status of a stateless person."

Decision documents

[Lyon13Dec2018.pdf](#)

Outcome

The Court upholds the administrative decision denying the applicant statelessness status.