



France - Paris Administrative Court of Appeal, case no. 12PA01448

The applicant lost her Khazakh nationality by operation of law due to not having registered with Khazakh consular authorities within 3 years of her departure. In these three years she had an asylum claim pending in France, and therefore could not have been expected to contact Khazakh authorities. OFPRA rejected her application for stateless status as she did not demonstrate to have made sufficient efforts to regain her Khazakh nationality.

Case name (in original language) : Cour administrative d'appel de Paris, 2ème chambre , 25/10/2012, 12PA01448

Case status: Decided

Case number: 12PA01448

Date of decision: 25/10/2012

State: France

Court / UN Treaty Body: Paris Administrative Court of Appeal

Language(s) the decision is available in: French

Applicant's country of birth: Kazakhstan

Applicant's country of residence: France

Legal instruments: 1954 Statelessness Convention

Key aspects: Burden of proof, Deprivation of nationality, Standard of proof, Stateless status and documentation, Statelessness determination

Relevant Legislative Provisions:

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

Facts

The applicant was born in 1975 in Kazakhstan, with Kazakh nationality, and entered France on April 26, 2003. She applied for asylum twice in 2003 and 2005, both times unsuccessful. She applied for a statelessness status on 18 December 2008 on the

grounds that she had lost her Kazakh nationality, but this application was also rejected by OFPRA.

Decision & Reasoning

The Court reasoned as follows:

"2. Considering firstly that under the terms of paragraph 1 of article 1 of the aforementioned New York Convention: "For the purposes of this Convention, the term "stateless person" means a person who is not considered as a national by any state under the operation of its law"; that it follows from the provisions of article 21 of the Kazakh Law of 20 December 1991 on Kazakh Nationality that Kazakh nationals who leave Kazakhstan to reside abroad must register at the consulate within 3 years after departure, and otherwise they lose their nationality."

"3. Considering that the applicant argued not to have been able to register with the consulate within 3 years after her arrival in France to comply with the Kazakh law of December 20, 1991, due to her asylum claim pending at that time, and therefore she lost her nationality by application of the said law; that, however the applicant does not provide evidence or even claim to have, prior to the contested decision of 29 September 2009, brought before the Kazakh authorities any unsuccessful administrative or judicial claims, thus failing to establish that the loss of nationality is final; that the fact that she was not present on Kazakh territory and that she had pending proceedings in France would not have prevent her from submitting requests to regain her nationality; that finally, the fact that, after the decision Administrative Tribunal of Paris, she made appealed against the consular decision informing her of the loss of her nationality, does not call into question the legality of the contested decision."

Decision documents

[Cour%20administrative%20d%27appel%20de%20Paris%2C%202%C3%A8me%20chambre%2010-2012%2C%2012PA01448.pdf](#)

Outcome

The Court upheld OFPRA's decision to refuse the applicant statelessness status.