



## [France - Marseille Administrative Court of Appeal, case no. 09MA00321](#)

The applicant was born in Italy to parents born in former Yugoslavia. His stateless status was denied on the basis that he did not make enough efforts to be recognised as a national of either Italy, Croatia or Macedonia.

**Case name (in original language) :** Cour Administrative d'Appel de Marseille, 2ème chambre - formation à 3, 05/11/2010, 09MA00321

**Case number:** 09MA00321

**Date of decision:** 05/11/2010

**State:** France

**Court / UN Treaty Body:** Marseille Administrative Court of Appeal

**Language(s) the decision is available in:** French

**Applicant's country of birth:** Italy

**Applicant's country of residence:** France

**Legal instruments:** 1954 Statelessness Convention

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

**Relevant Legislative Provisions:**

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

### **Facts**

The applicant was born in 1982 in Naples (Italy) to parents from former Yugoslavia. His mother was born on the territory of contemporary Croatia, and his father - on the territory of contemporary Macedonia.

### **Legal arguments by the applicant**

The applicant argued that the contested decision wrongly states that he was born in Zagreb (Croatia), while he was actually born in Naples (Italy), as well as that his

name is not represented correctly.

### **Legal arguments by the opposing party**

The OFPRA argued that the applicant's place of birth or exact name are not relevant, as the status of stateless person was refused to him on the basis that he did not take steps to obtain a nationality from from one of the countries of the former Yugoslavia where his parents were born.

### **Decision & Reasoning**

The Court upheld the administrative decision, and reasoned as follows:

"Considering, on the other hand, that even though the applicant submitted a letter from the municipality of Naples addressed to an Italian consulate in France indicating that the applicant is not registered in the civil registry of residents of Naples municipality where he happens to have been born, such letter does not establish that the person concerned could not be an Italian national; that if he has approached the Croatian consular authorities, their alleged lack of response does not in itself establish that the applicant could not access Croatian nationality; that finally he does not even claim to have approached the Macedonian consular authorities; that, under these circumstances, by refusing to recognise him as a stateless person OFPRA did not disregard the provisions of article 1 of the New York convention of September 28, 1954 relating to the status stateless persons."

### **Decision documents**

[Marseille5Nov2010.pdf](#)

### **Outcome**

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