



## France - Nantes Administrative Court of Appeal, case no. 15NT00331

The applicant was born in Azerbaijan to Armenian parents. In the course of his asylum application he claims to have lived in Russia and served in the Russian army before arriving in France. His asylum application was rejected, as well as his statelessness application - as according to the information he provided in his asylum application he would have automatically acquired Russian nationality in the context of the dissolution of the Soviet Union.

**Case name (in original language) :** CAA de NANTES, 4ème chambre, 01/03/2016, 15NT00331

**Case status:** Decided

**Case number:** 15NT00331

**Date of decision:** 01/03/2016

**State:** France

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

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

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

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

**Legal instruments:** 1954 Statelessness Convention

**Key aspects:** Burden of proof, Standard of proof, State succession, Statelessness and asylum, Statelessness determination

**Relevant Legislative Provisions:**

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

### **Facts**

The applicant was born in 1971 in Azerbaijan to Armenian parents and arrived in France in December 2004, where he applied for asylum twice, both applications having been rejected by OFPRA, in 2005 and in 2008. He later applied to be

recognised as a stateless person, which was rejected on the 18th of January 2013.

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

The applicant claimed that he cannot obtain Russian nationality as there is no proof he has ever lived in Russia.

### **Decision & Reasoning**

The Court reasoned as follows:

"2. [...] [an applicant for a statelessness status] is responsible to prove that despite repeated and diligent attempts to acquire a nationality the relevant state has refused to grant him one."

"3. Considering that Article 13 of Law No. 1948-1 of November 28, 1991 on Nationality of Russian Federation, amended by Law No. 62-FZ of May 31, 2002, reads: "all citizens of the former USSR permanently residing in the territory of the Russian Federation at the time of entry into force of this Law are considered Russian citizens unless they decline this nationality within a year from this date"; that by virtue of these provisions, all former Soviet nationals who were permanently resident in the territory of the Russian Federation on the date of entry into force of this law, that is to say February 6, 1992, are recognised as citizens of Russian Federation, unless, within one year of that date, they have expressly declined this nationality; that by a decision n ° 5-VO2-250 / 249 of October 31, 2002, the Supreme Court of Russia ruled that such acquisition of Russian nationality does not require any actions on the part of the individuals concerned or on the part of state authorities."

"4. Considering that based on the testimonies of the applicant to OFPRA in the context of his asylum application he was born on August 30, 1971 in Azerbaijan (former USSR) and have resided in Russia from 1988 to 2003, where served in the Russian army in Stavropol, before coming to France in December 2004, after having lived in Armenia and Belarus; that the applicant, who does not claim to have declined Russian nationality, must be regarded as a Russian national by application of the aforementioned provisions; that contrary to what he maintains, the applicant does not justify not having been able to obtain Russian nationality."

"5. Considering that, the applicant claims to have Armenian origins, but does not illustrate that he has approached state authorities to be recognised as an Armenian

national on the basis the provisions of paragraph 3 article 13 of the Armenian Nationality Law of November 24, 1995, as last amended on December 8, 2011; that, under these circumstances, the applicant does not establish that he falls under the scope of application of the aforementioned provisions of Article 1 of the Convention of New York of September 28, 1954."

**Decision documents**

[Nantes1March2016.pdf](#)

**Outcome**

The Court upheld OFPRA's decision not to grant the applicant statelessness status.