



STATELESSNESS

Case Law Database

France - Administrative Court of Appeal of Bordeaux, 5th Chamber, No. 20BX03197, 9 March 2021

The applicant asked to be granted the status as a stateless person in France, however both the OFPRA (French bureau for the protection of refugees and stateless persons) and the Courts denied him this status on the grounds that he did not take sufficient steps to request nationality from the Armenian authorities. He also argued that people from Azerbaijan face discrimination and are often refused Russian nationality, even when they may be able to benefit from it. The Court concluded that no discrimination exists and the applicant failed to take steps to obtain Russian nationality.

Case name (in original language) : CAA de BORDEAUX, 5ème chambre, 09/03/2021, 20BX03197

Case status: Decided

Case number: 20BX03197

Citation: Administrative Court of Appeal of Bordeaux, case no. 20BX03197, 09 March 2021

Date of decision: 09/03/2021

State: France

Court / UN Treaty Body: Administrative Court of Appeal of Bordeaux

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: Determination/confirmation of nationality, Discrimination, Establishing identity, Standard of proof, Stateless status and documentation, Statelessness determination

Relevant Legislative Provisions:

International Law

- Convention relating to the Status of Stateless Persons, New York, 28 September 1954 - Article 1

National Law

- Code of entry and stay of foreigners and asylum law (le code de l'entrée et du séjour des étrangers et du droit d'asile CESEDA) - L. 812-1 and L. 812-2
- Code of Administrative Justice - Article L. 761-1

Facts

The applicant, born in 1971 in Azerbaijan, to an Armenian father and an Azeri mother, came to France in 2003. The same year he applied for refugee status in France but was denied. In 2017 he applied to be granted status as a stateless person but both OFPRA and the first instance court of the Administrative Tribunal rejected this request on the basis that the applicant could not prove his civil status nor show any identification documents. In front of the Administrative Court of Appeal the applicant presented an attestation from the authorities of a city in Azerbaijan from the 5th July 2005, indicating his family origins. The applicant also provided a translated birth certificate and a document from the passport authority of the USSR Ministry of Affairs, both of which confirm his version of the facts. He also provided the translation of the declaration after losing his passport in 1991.

Legal arguments by the applicant

The applicant argued that he has been living in France since 2003 without a recognised nationality. He argued that he had attempted to obtain Armenian nationality but his request was denied. He further argued people originating from Azerbaijan often face discrimination from Russian authorities and that this discrimination, as well his lack of identity documents, had prevented him from obtaining Russian nationality. The applicant later provided new document and evidence in order to challenge the first instance judgment.

Legal arguments by the opposing party

OFPRA argued that the applicant failed to take sufficient steps to request the nationality both from the Armenian and the Russian authorities. It also argued that no convincing arguments to substantiate his claims of discrimination had been

presented.

Decision & Reasoning

The Administrative Court of Appeal confirmed the judgment of the 1st instance Administrative Tribunal. While the Court took the new evidence as to the identity of the applicant into account, he was denied status as a stateless person on the grounds that he failed to take sufficient steps to request nationality from the Armenian authorities. The Court added that the applicant is also eligible to apply for Russian nationality and that no convincing arguments to substantiate his claims of discrimination had been presented. The Court held that the applicant should take sufficient steps to request nationality from the Russian authorities before being able to apply for status as a stateless person.

Decision documents

[Text of the decision in French](#)

Outcome

The Administrative Court of Appeal denied the applicant status as a stateless person.