



KNOWLEDGE-BASED HARMONISATION OF EUROPEAN ASYLUM PRACTICES

*A project of the Hungarian Helsinki Committee
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Case Summary

Country of Decision/Jurisdiction	Spain
Case Name/Title	664/2008
Court Name <i>(Both in English and in the original language)</i>	High National Court/Audiencia Nacional
Neutral Citation Number	664/2008
Other Citation Number	
Date Decision Delivered	12/07/2010
Country of Applicant/Claimant	Western Sahara
Keywords	Internal Protection; Stateless; Sufficient protection; Non-state agents protection
Head Note (Summary of Summary)	The claimant appealed before the High National Court against the decision of the Ministry of Interior to reject his stateless status. The claimant is a citizen from Western Sahara who has been granted with refugee status in Algeria; he wants to be recognized with stateless status in Spain. The Ministry of Interior alleges that Western Saharan citizens coming from refugee camps in Algeria have received international protection, as required in the 1951 Refugee Convention, by the MINURSO (United Nations Mission for the Referendum in Western Sahara).
Case Summary (150-500)	
<i>Facts</i>	<p>The claimant left Western Sahara and fled to Algeria, where he was granted with refugee status. He lived in the refugee camp of Tinduf for 9 years. Declaring that he has never been granted with Algerian nationality, he applied in Spain for stateless status in order to improve his quality of life.</p> <p>The General Attorney alleges that claimant hasn't proved legally that there was no way to acquire Algerian nationality. It was also affirmed against the stateless recognition that the claimant lived under the international protection of the United Nations Mission for the Referendum in Western Sahara (MINURSO), thus, the status can't be recognised for anyone who is currently protected or assisted by a United Nations' organ such as the MINURSO.</p>
<i>Decision & Reasoning</i>	<p>The High National Court deemed that the claimant had not acquired the Algerian nationality and that he had only been granted with a passport for humanitarian reasons. As he has fled from Western Sahara, his application to the Spanish legislation, for stateless status, was legitimate.</p> <p>Concerning the internal protection established by a non-state agent, particularly, a United Nations' body, the protection provided by MINURSO is</p>



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	not enough to found the rejection of his stateless status. If the UN resolution that states the objectives of the MINURSO mission is consulted it will be noticed that the objective regarding protection and assistance of Western Saharan' citizens is not included.
<i>Outcome</i>	The appeal was successful and the High National Court declared that stateless status had to be granted.