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Judgment of the Court in Case C-563/22 | Zamestnik-predsedatel na Darzhavna agentsia za bezhantsite (Refugee status – Stateless person of Palestinian origin)

Stateless persons of Palestinian origin registered with UNRWA should, in principle, be granted refugee status if UNRWA's protection or assistance is considered to have ceased

UNRWA's assistance or protection must, in particular be considered to have ceased vis-à-vis the applicant when that body finds itself unable, for whatever reason, to ensure dignified living conditions or minimum security conditions to any stateless person of Palestinian origin, staying in the sector of UNRWA's area of operations, in which the applicant had his or her habitual residence.

In July 2018, a mother and her minor daughter, both stateless persons of Palestinian origin, left the city of Gaza and illegally entered Bulgaria after having transited through Egypt, Türkiye and Greece. Their first application for international protection before the Bulgarian authorities was definitively rejected on the ground that they had not demonstrated that they had left the Gaza Strip for fear they might be persecuted. They then submitted a second application (a so-called subsequent application) by asserting their registration with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). They claim refugee status following the *de facto* cessation of UNRWA's protection in their respect. The subsequent application was also rejected on the ground that the interested parties had renounced UNRWA's assistance by voluntarily leaving its area of operations.

The Bulgarian court hearing the action brought by the interested parties asks the Court of Justice to interpret the Procedures Directive ¹ as regards the extent of the examination of the merits of a subsequent application. Moreover, it asks the Court to interpret the Qualifications Directive ². According to the latter, **persons registered with UNRWA are, in principle, excluded from refugee status in the European Union**. However, when UNRWA's protection or assistance has ceased for any reason ³, those persons shall automatically be entitled to refugee status ⁴. The Court is called upon to clarify at what point UNRWA's assistance or protection must be regarded to have ceased.

The Court responds, first of all, that the examination of the merits of a subsequent application must extend to all of the factual elements submitted. It must also take into account the facts which have already been assessed in the first application.

Next, the Court observes that, **if the Bulgarian court were to conclude that, having regard to the general conditions of life prevailing in the Gaza Strip at the time of its ruling, UNRWA's protection or assistance in that sector of its area of operations must be considered as having ceased vis-à-vis the two applicants concerned, the latter should be automatically granted refugee status**. However, that status must be refused to them if they fall within one of the other grounds for exclusion provided for by the Qualification Directive ⁵.

UNRWA's protection or assistance must, in particular be considered to have ceased in respect of the applicant when that body finds itself unable, for whatever reason, to ensure dignified living conditions or

minimum security conditions to any stateless person of Palestinian origin, staying in the sector of UNRWA's area of operations, in which the applicant had his or her habitual residence.

The Court notes in this regard that both the living conditions in the Gaza Strip and UNRWA's capacity to fulfil its mission have experienced an unprecedented deterioration due to the consequences of the events of 7 October 2023.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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¹ [Directive 2013/32/EU](#) of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.

² [Directive 2011/95/EU](#) of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

³ And without the fate of those persons having been definitively settled, which at the moment is not the case, as follows from the relevant resolutions of the United Nations General Assembly.

⁴ Unless another ground for exclusion provided for by the Directive is applicable, such as the commission of a serious crime outside the country of refuge prior to being admitted as a refugee.

⁵ See note 4.