

3.12.2. Stateless Palestinians

3.12.2. Stateless Palestinians

One of the largest and longest-lasting statelessness hotspot globally is among Palestinians, reflecting a complex and intricate situation.⁸⁵² Following the outbreak of the war in Gaza and the resulting volatile and unpredictable situation, EU+ countries put on hold the processing of asylum applications from stateless Palestinians from Gaza.⁸⁵³

Prior to the war in Gaza, courts were called on to determine facts of law of UNRWA protection for Palestinians applying for international protection. In *OPERA v SW*, the CJEU [ruled](#) on the cessation of UNRWA assistance when a lack of access to medical care and treatment resulted in the stateless person of Palestinian origin running a real risk of imminent death or a real risk of being exposed to a serious, rapid and irreversible decline of their state of health or a significant reduction in their life expectancy.⁸⁵⁴

At the national level, the Council of State in the Netherlands, [clarified](#) the application of Article 1D of the Refugee Convention in cases when the applicant voluntarily departs from UNRWA's area of operations.⁸⁵⁵

⁸⁵² European Network on Statelessness. (2023, October 26). *Why statelessness cannot be ignored in the violence in Gaza and Israel.*

⁸⁵³ New to Denmark. (2023, November 1). *Asylum applications from stateless Palestinians from Gaza put on hold.*

⁸⁵⁴ European Union, Court of Justice of the European Union [CJEU], *French Office for the Protection of Refugees and Stateless Persons (OPERA) v SW*, C?294/22, ECLI:EU:C:2023:733, 05 October 2023.

⁸⁵⁵ Netherlands, Council of State [Afdeling Bestuursrechtspraak van de Raad van State], *State Secretary v Applicant*, 202103732/1/V3, ECLI:NL:RVS:2023:2446, 27 June 2023.