KEY THEME[1]
Article 8
Nationality

(Last updated: 31/08/2026)

Introduction

A "right to nationality", similar to that in Article 15 of the Universal Declaration of Human Rights, is not enshrined in the text of the Convention or its Protocols. The right to acquire or to retain a particular nationality is not a "civil right" under Article 6 (*Alpeyeva and Dzhalagoniya v. Russia*, 2018, § 129). The revocation or annulment of citizenship, as such, is not incompatible with the Convention (*Usmanov v. Russia*, 2020, § 65). However, nationality is an element of a person's identity (*Zeggai v. France*, 2022, § 28; *Ghoumid and Others v. France*, 2020, § 43; *El Aroud and B.S. v. Belgium*, 2024, § 59). An arbitrary denial of citizenship might in certain circumstances raise an issue under Article 8.

In addition, in circumstances where a member State has gone beyond its obligations under Article 8 in creating a right to citizenship by descent and has established a procedure to that end, it must ensure that the right is secured without discrimination within the meaning of Article 14 (*Genovese v. Malta*, 2012, § 30).

The Court has dealt with the specific issue of the revocation of citizenship ("*déchéance de nationalité*") (*Ramadan v. Malta*, 2016) and notably in the anti-terrorism context (*K2 v. the United Kingdom* (dec.), 2017; *Ghoumid and Others v. France*, 2020; *El Aroud and B.S. v. Belgium*, 2024).

In this context, in the leading case of *Usmanov v. Russia*, 2020, the Court defined the relevant methodology to be used for examining annulment of citizenship (see § 58) which it has applied to denial of nationality (*Hashemi and Others v. Azerbaijan*, 2022, § 47).

Additional issues can arise, notably, concerning immigration, passport, filiation, or marriage of a foreign national.

Principles drawn from the current case-law

- Even though the Convention and its Protocols do not guarantee any right to citizenship, it is not excluded that a denial of citizenship or a revocation/annulment of a citizenship already obtained (*Usmanov v. Russia*, 2020, §§ 59-62) may in certain circumstances raise issues under this provision given the impact/consequences such a measure has on an individual's private life. The same holds, by way of example, for a refusal of a request to renounce citizenship (*Riener v. Bulgaria*, 2006, §§ 155-159), the granting of citizenship in the case of marriage of a non-national (*Savoia and Bounegru v. Italy* (dec.), 2006) and the invalidation of passports (*Alpeyeva and Dzhalagoniya v. Russia*, 2018, § 115) or the refusal to issue an identity card (*Ahmadov v. Azerbaijan*, 2020, § 45; see also *Abo v. Estonia* (dec.), 2024, § 71).
- In *Usmanov v. Russia*, 2020, the Court clarified and consolidated the two-pronged approach to be applied in this context (having noted the existence of various approaches to the examination of the issue), later applied in *Hashemi and Others v. Azerbaijan*, 2022, §§ 46-49. It considered that a consequence-based approach should be followed. It examined (i) the

[1] Prepared by the Registry. It does not bind the Court.

consequences for the applicant and (ii) whether the measure was arbitrary (see § 58); see also *Ahmadov v. Azerbaijan*, 2020).

- In determining the consequences of a revocation of citizenship, so as to establish whether there has been an interference with the applicant's rights under Article 8 (*Usmanov v. Russia*, 2020, § 58), the severity of the offence committed by the applicant may be weighed against the impact of withdrawal of the applicant's citizenship on his personal and family situations (*Said Abdul Salam Mubarak v. Denmark* (dec.), 2019, § 70).
- For example, in *Ghoumid and Others v. France*, 2020, the revocation of citizenship did not affect the right to respect for "family life" because the revocation had no effect on the presence on the State's territory of the person concerned (§§ 41-42). In contrast, in *El Aroud and B.S. v. Belgium*, 2024, the Court noted that while the loss of Belgian nationality did not automatically entail expulsion from the territory, the capacity of the persons concerned to remain in Belgium was weakened as they were both thus ordered to leave the territory following that order (§ 58).
- Under the two-pronged approach, once an "interference" has been found, the second step in determining whether deprivation of citizenship was in breach of Article 8, is to ascertain whether it was arbitrary (*Usmanov v. Russia*, 2020, § 53 and §§ 62-65). As recapitulated in *Usmanov v. Russia*, 2020 (§§ 62-65), in determining arbitrariness, regard must be had to whether the revocation was in accordance with the law; whether it was accompanied by the necessary procedural safeguards, including whether the person deprived of citizenship was allowed the opportunity to challenge the decision before courts affording the relevant guarantees; and whether the authorities acted diligently and swiftly (*Alpeyeva and Dzhalagoniya v. Russia*, 2018, §§ 107-109 and the references therein, and in the context of terrorism, *Ghoumid and Others v. France*, 2020, §§ 45-48 and *El Aroud and B.S. v. Belgium*, 2024, §§ 55-56).
- That a long time had elapsed between the applicants' convictions and the deprivation of their nationality was not sufficient of itself to render that measure arbitrary. In particular, States might, when faced with terrorist attacks, re-assess, with greater stringency, whether individuals who had been convicted of a criminal offence constituting an act of terrorism still maintain a bond of loyalty and solidarity with the State, and might therefore, subject to a strict proportionality test, decide to take measures against them which the State had not initially chosen (*Ghoumid and Others v. France*, 2020, § 45).
- If a person's citizenship may be annulled or revoked on the basis that the person submitted false/incomplete information or concealed relevant information, the law should specify the nature of the disqualifying information and a reasoned decision ought to be given (*Usmanov v. Russia*, 2020, §§ 67-68). Other important factors must also be taken into account -in the requisite balancing exercise to be performed by the domestic authorities- in order to prevent an excessively formalistic decision (§§ 69-71).
- In *Usmanov v. Russia*, 2020, the annulment of the applicant's Russian citizenship did not automatically result in a decision to forcibly remove him from Russian territory; rather the question of removal was examined in a separate set of proceedings. The Court correspondingly examined the annulment of citizenship separately (§ 57).
- The principles in respect of the revocation of citizenship were also applicable in a case where the respondent State authorities had refused to issue the applicant with an identity card although a stamp in the applicant's Soviet passport had already confirmed his citizenship of the respondent State (*Ahmadov v. Azerbaijan*, 2020, § 45); and in a case where the respondent State authorities had refused to recognise the applicant – a long-term resident – as a citizen and issue her with a citizen's identity document (*Abo v. Estonia* (dec.), 2024, § 71).

- Requiring a period of certain duration of the marriage of a non-national and/or a period of residence in the country are common features of legislations regulating the granting of citizenship (*Savoia and Bounegru v. Italy* (dec.), 2006).
- The State bears a positive obligation to provide an effective and accessible procedure, or a combination of procedures, enabling a stateless migrant to have the issues of his further stay and status determined with due regard to his private-life interests under Article 8 (*Hoti v. Croatia*, 2018).
- In situations where children are born as a result of surrogacy treatment, States still have to recognise the children's relationship with their biological father and establish the possibility of obtaining the father's nationality. If children are faced with a disturbing uncertainty as to the possibility of being granted their father's nationality, this is likely to adversely affect the definition of their own identity (*Mennesson v. France*, 2014 and *Labassee v. France*, 2014).
- The relevant methodology set out in *Usmanov v. Russia*, 2020 (§ 58), has been recently applied in the context of children born through surrogacy abroad (*S.-H. v. Poland* (dec.), 2021) where the Court found Article 8 inapplicable: the negative effect on the applicants' private life of the their inability to obtain Polish nationality did not cross 'the threshold of seriousness' (see the application of *Denisov v. Ukraine* [GC], 2018 in this context and compare and contrast, *Mennesson v. France*, 2014 and *Labassee v. France*, 2014). In addition, the applicants' inability to obtain Polish nationality because they were born through surrogacy in the USA did not affect their family life, as they had dual citizenship and were residing in Israel, where legal parent-child link was recognised.

Noteworthy examples

- *Kurić and Others v. Slovenia* [GC], 2012 – the erasure of certain individuals from the permanent residents' register following Slovenian independence;
- *Karassev v. Finland* (dec.), 1999 – denial of citizenship to a person born of foreign parents;
- *Riener v. Bulgaria*, 2006 – rejection of a request, to renounce nationality;
- *Savoia and Bounegru v. Italy* (dec.), 2006 – requirements laid down in the law for obtaining Italian nationality after marriage;
- *Mennesson v. France*, 2014 and *Labassee v. France*, 2014 – uncertainty for children born via surrogacy as to the possibility of being granted French nationality;
- *Ramadan v. Malta*, 2016 – withdrawal of citizenship following annulment of simulated marriage;
- *K2 v. the United Kingdom* (dec.), 2017 – deprivation of citizenship for terrorist-related activities;
- *Alpeyeva and Dzhalagoniya v. Russia*, 2018 – arbitrary invalidation of Russian passports issued to former Soviet nationals (as well as the relevant references therein);
- *Aktaş and Aslaniskender v. Turkey*, 2019 – refusal to change surname on the sole grounds that the new name requested is not Turkish (in the context of double nationality);
- *Ahmadov v. Azerbaijan*, 2020 – refusal to issue an identity card to the applicant and recognise him as Azerbaijani national, although he possessed official papers attesting to his nationality;
- *Ghoumid and Others v. France*, 2020 – deprivation of citizenship on the basis of a conviction for a terrorism offence committed over ten years earlier;
- *Usmanov v. Russia*, 2020 – automatic annulment of citizenship for omitting information about siblings when applying ten years earlier;

- *Willems v. the Netherlands* (dec.), 2021 – EU law obligation to provide fingerprints when applying for a passport and subsequent storage of the fingerprints on chip in the passport;
- *S.-H. v. Poland* (dec.), 2021 – refusal to grant Polish citizenship by descent to children born through surrogacy in USA to same-sex couple residing in Israel, where legal parent-child link is recognised;
- *Hashemi and Others v. Azerbaijan*, 2022 – refusal to issue identity cards to refugees' children born in country and to acknowledge them as citizens on account of their parents holding another nationality;
- *Johansen v. Denmark* (dec.), 2022 – deprivation of nationality in the context of terrorism; see also *Laraba v. Denmark* (dec.), 2022;
- *Emin Huseynov v. Azerbaijan (no. 2)*, 2023 – arbitrary revocation of the applicant's citizenship, resulting in him becoming a stateless person, and lack of procedural safeguards;
- *El Aroud and B.S. v. Belgium*, 2024 – deprivation of citizenship of two dual nationals convicted in Belgium for acts related to terrorism;
- *Abo v. Estonia* (dec.), 2024 – refusal to recognise a long-term resident as a citizen and issue her with a citizen's identity document.

Nationality under other Articles of the Convention

The matter is touched upon under several other Articles of the Convention.

See for example:

- Article 3: person of dual Belgian-Moroccan nationality alleging that Belgium had failed to provide him with diplomatic/consular assistance while he was imprisoned in poor conditions in Morocco: *Aarrass v. Belgium* (dec.), 2021;
- Article 6: (i) acquisition or withdrawal of nationality: *Makuc and Others v. Slovenia* (dec.), 2007; *Borisov v. Lithuania*, 2011; (ii) revocation of nationality ("*déchéance de nationalité*"): *Galip v. Greece* (dec.), 1994; (iii) proceedings regulating a person's citizenship: *Al Hamdani v. Bosnia and Herzegovina*, 2012; (iv) the right to *a passport* is not a "civil right" under Article 6: *Alpeyeva and Dzhalagoniya v. Russia*, 2018, § 129, nor is the right to citizenship: *Sergey Smirnov v. Russia* (dec.), 2006;
- Article 8 combined with Article 14: *Genovese v. Malta*, 2012; *Zeggai v. France*, 2022;
- Articles 9, 10, 11 and 13: *Petropavlovskis v. Latvia*, 2015 ; *Boudelal v. France* (dec.), 2017;
- Article 14: *Abo v. Estonia* (dec.), 2024;
- Article 3 of Protocol No. 1: inability of persons with multiple nationality to stand as candidates in parliamentary elections, reference made to the European Convention on Nationality: *Tănase v. Moldova* [GC], 2010;
- Article 2 of Protocol No. 4: *Rotaru v. Republic of Moldova*, 2020;
- Article 3 of Protocol No. 4: *Slivenko v. Latvia* (dec.) [GC], 2002;
- Article 3 § 2 of Protocol No. 4: *H.F. and Others v. France* [GC], 2022;
- Article 2 of Protocol No. 7: *El Aroud and B.S. v. Belgium*, 2024;
- Article 4 of Protocol No. 7: *Ghoumid and Others v. France*, 2020;
- Article 5 of Protocol No. 7: *Savoia and Bounegru v. Italy* (dec.), 2006.

Recap of general principles

- For a recapitulation of the general principles under the Convention: *Slivenko v. Latvia* (dec.) [GC], 2002, § 77; *Petropavlovskis v. Latvia*, 2015, §§ 73-74;
- For a recapitulation of the general principles and relevant methodology under Article 8: see *Usmanov v. Russia*, 2020, §§ 52-56, 58, and 63-64; *Hashemi and Others v. Azerbaijan*, 2022, § 47 ;
- For a recapitulation of the general principles under Article 6: *Borisov v. Lithuania*, 2011, § 116; *Al Hamdani v. Bosnia and Herzegovina*, 2012, § 72.

Further references

Case-law guides:

- Guide on Article 8 – Right to respect for private and family life, the home and correspondence
- Guide on Immigration
- Guide on Terrorism

International materials[2]:

- Article 15 of the Universal Declaration of Human Rights (1948)
- UN Convention relating to the Status of Stateless Persons (1954)
- UN Convention on the Nationality of Married Women (1957)
- UN Convention on the Reduction of Statelessness (1961)
- Article 24 of the International Covenant on Civil and Political Rights (1966)
- Article 20 of the American Convention on Human Rights (1969)
- Articles 7 and 8 of the UN Convention on the Rights of the Child (1989)
- Article 29 of the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
- European Convention on Nationality (1997) and Explanatory Report
- Article 18 of the UN Convention on the Rights of Persons with Disabilities (2006)
- Article 25 of the UN International Convention for the Protection of All Persons from Enforced Disappearance (2006)
- PACE Resolution 2263 on the withdrawal of nationality as a measure to combat terrorism (2019)

[2] This is a non-exhaustive selection. See also *H.F. and Others v. France* [GC], 2022, §§ 84-86, 97, 98.

KEY CASE-LAW REFERENCES

Leading cases:

- *Usmanov v. Russia*, no. 43936/18, 22 December 2020 (violation of Article 8).

Other cases under Article 8 of the Convention:

- *Karassev v. Finland* (dec.), no. 31414/96, 12 January 1999 (inadmissible – manifestly ill-founded);
- *Kurić and Others v. Slovenia* [GC], no. 26828/06, 26 June 2012 (violation of Article 8);
- *Mennesson v. France*, no. 65192/11, ECHR 2014 (extracts) (no violation of Article 8 as regards the applicants' right to respect for their family life; violation of Article 8 as regards the third and fourth applicants' right to respect for their private lives);
- *Labassee v. France*, no. 65941/11, 26 June 2014 (no violation of Article 8 as regards the applicants' right to respect for their family life; violation of Article 8 as regards the third applicant's right to respect for her private live);
- *Riener v. Bulgaria*, no. 46343/99, 23 May 2016 (violation of Article 8);
- *Ramadan v. Malta*, no. 76136/12, 21 June 2016 (no violation of Article 8);
- *K2 v. the United Kingdom* (dec.), no. 42387/13, 7 February 2017 (inadmissible – manifestly ill-founded);
- *Hoti v. Croatia*, no. 63311/14, 26 April 2018 (violation of Article 8);
- *Alpeyeva and Dzhalagoniya v. Russia*, nos. 7549/09 and 33330/11, 12 June 2018 (violation of Article 8);
- *Said Abdul Salam Mubarak v. Denmark* (dec.), no. 74411/16, 22 January 2019 (inadmissible – manifestly ill-founded);
- *Aktaş and Aslaniskender v. Turkey*, nos. 18684/07 and 21101/07, 25 June 2019 (violation of Article 8);
- *Ahmadov v. Azerbaijan,* no. 32538/10, 30 January 2020 (violation of Article 8);
- *Ghoumid and Others v. France*, nos. 52273/16 and 4 others, 25 June 2020 (no violation of Article 8);
- *Willems v. the Netherlands* (dec.), no. 57294/16, 9 November 2021 (inadmissible – manifestly ill-founded);
- *S.-H. v. Poland* (dec.), nos. 56846/15 and 56849/15, 16 November 2021 (inadmissible – incompatible *ratione materiae* under Articles 8 and 14 in conjunction with Article 8);
- *Hashemi and Others v. Azerbaijan*, nos. 1480/16 and 6 others, 13 January 2022 (violation of Article 8).
- *Johansen v. Denmark* (dec.), no. 27801/19, 3 March 2022 (inadmissible – manifestly ill-founded);
- *Laraba v. Denmark* (dec.), no. 26781/19, 22 March 2022 (inadmissible – manifestly ill-founded);
- *Emin Huseynov v. Azerbaijan (No. 2)*, no. 1/16, 13 July 2023 (violation of Article 8);
- *Abo v. Estonia* (dec.), no. 29295/22, 17 September 2024 (inadmissible – incompatible *ratione materiae*);
- *El Aroud and B.S. v. Belgium*, nos. 25491/18 and 27629/18, 5 December 2024 (no violation of Article 8).

Nationality under other Articles of the Convention:

- Article 3: *Aarrass v. Belgium* (dec.), no. 16371/18, 7 September 2021 (inadmissible – manifestly ill-founded);
- Article 6: (i) acquisition or withdrawal of nationality: *Makuc and Others v. Slovenia,* no. 26826/06, 31 May 2007 (inadmissible - incompatible *ratione materiae*); *Borisov v. Lithuania*, no. 9958/04, 14 June 2011 (inadmissible - incompatible *ratione materiae*); (ii) revocation of nationality ("*déchéance de nationalité*"): *Galip v. Greece* (dec.), no. 17309/90, 30 August 1994 (inadmissible - incompatible *ratione materiae*); (iii) proceedings regulating a person's citizenship: *Al Hamdani v. Bosnia and Herzegovina,* no. 31098/10, 7 February 2012; *Sergey Smirnov v. Russia* (dec.), no. 14085/04, 6 July 2006 (inadmissible - incompatible *ratione materiae*); (iv) passport: *Alpeyeva and Dzhalagoniya v. Russia*, nos. 7549/09 and 33330/11, 12 June 2018 (inadmissible - incompatible *ratione materiae*);
- Article 8 combined with Article 14: *Genovese v. Malta*, no. 53124/09, 11 October 2011 (violation of Article 14 in conjunction with Article 8); *Zeggai v. France*, no. 12456/19, 13 October 2022 (no violation of Article 14 in conjunction with Article 8);
- Articles 9, 10, 11 and 13: *Petropavlovskis v. Latvia*, no. 44230/06, ECHR 2015 (inadmissible - incompatible *ratione materiae* of Articles 10, 11 and 13); *Boudelal v. France* (dec.), no. 14894/14, 13 June 2017 (inadmissible - incompatible *ratione materiae* under Articles 9, 10 and 11);
- Article 14: *Abo v. Estonia* (dec.), no. 29295/22, 17 September 2024 (inadmissible – manifestly ill-founded);
- Article 3 of Protocol No. 1: *Tănase v. Moldova* [GC], no. 7/08, ECHR 2010 (violation of Article 3 of Protocol No. 1);
- Article 2 of Protocol No. 4: *Rotaru v. Republic of Moldova*, no. 26764/12, 8 December 2020 (violation of Article 2 of Protocol No. 4);
- Article 2 of Protocol No. 7: *El Aroud and B.S. v. Belgium*, nos. 25491/18 and 27629/18, 5 December 2024 (inadmissible - incompatible *ratione materiae*);
- Article 3 of Protocol No. 4: *Slivenko v. Latvia* (dec.) [GC], no. 48321/99, ECHR 2002-II (inadmissible - incompatible *ratione materiae*); Article 3 § 2 of Protocol No. 4: *H.F. and Others v. France* [GC], nos. 24384/19 and 44234/20, 14 September 2022 (violation of Article 3 § 2 of Protocol No. 4);
- Article 4 of Protocol No. 7: *Ghoumid and Others v. France*, no. 52273/16 and 4 others, 25 June 2020 (inadmissible - incompatible *ratione materiae* as regards the revocation of French nationality);
- Article 5 of Protocol No. 7: *Savoia and Bounegru v. Italy* (dec.), no. 8407/05, 11 July 2006 (inadmissible - incompatible *ratione materiae*).