CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

COUR EUROPÉENNE DES DROITS DE L'HOMME
EUROPEAN COURT OF HUMAN RIGHTS

DECISION

AS TO THE ADMISSIBILITY OF

Application No. 31414/96
by Andrei KARASSEV and family
against Finland

The European Court of Human Rights (Fourth Section) sitting on 12 January 1999 as a Chamber composed of

Mr G. Ress, *President*,
Mr M. Pellonpää,
Mr J.A. Pastor Ridruejo,
Mr I. Cabral Barreto,
Mr V. Butkevych,
Mrs N. Vajić,
Mr J. Hedigan, *Judges*,
Mr L. Caflisch,
Mr J. Makarczyk, *Substitute Judges,*

with Mr V. Berger, *Section Registrar,*

Having regard to Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms;

Having regard to the application introduced on 5 May 1995 by Andrei KARASSEV and family against Finland and registered on 7 May 1996 under file No. 31414/96;

Having regard to the report provided for in Rule 49 of the Rules of Court;

Having regard to the observations submitted by the respondent Government on 21 June 1998 and the observations in reply submitted by the applicant on 25 September 1998;

Having deliberated;

Decides as follows:

THE FACTS

The application was originally submitted by four applicants of which Pasi Karassev was the fourth one (later; the applicant). The other applicants' complaints were declared inadmissible by the European Commission of Human Rights on 14 April 1998. The present applicant was born in 1992 in Finland of parents who were born in the former Soviet Union and were citizens of that country. The applicant and his parents are currently resident at Poitsila in Finland.

The facts of the case, as submitted by the parties, may be summarised as follows.

A. Particular circumstances of the case

The applicant's parents and his brother, who was born in 1983 in the former Soviet Union, arrived in Finland from the then Soviet Union on 20 August 1991, holding tourist visas valid from 3 to 21 August 1991. On the last-mentioned day they requested asylum in Finland, referring to the attempted *coup d'etat* in the Soviet Union. On 11 May 1992 the Ministry of the Interior (*sisäasiainministeriö, inrikesministeriet)* rejected their asylum request and found no reason to grant them a residence permit.

On 20 July 1992 the Hollola Police District proposed that the family be expelled. The family objected on 14 August 1992, arguing, *inter alia*, that although they had been citizens of the former Soviet Union they had not become citizens of the Russian Federation. On 4 November 1992 the Ministry of the Interior ordered their expulsion to the Russian Federation, considering, *inter alia*, that they were citizens of the former Soviet Union with no such ties to Finland as could prevent their expulsion. The Ministry also prohibited the family from returning to Finland or any other Nordic country during a period of two years. The family appealed to the Supreme Administrative Court (*korkein hallinto-oikeus, högsta förvaltningsdomstolen).*

On 16 December 1992 the present applicant was born. He was not registered as being entitled to Finnish social security benefits. The Social and Health Board (*sosiaali- ja terveyslautakunta, social- och hälsovårdsnämnden)* of Nastola refused the applicant's mother's request for maternity allowance, noting that she was not a Finnish citizen and had not been granted a residence permit in the country. No appeal was lodged against this refusal. The municipality donated to the applicant's mother a maternity package with various supplies.

In 1993 the applicant's father obtained employment in Hamina. On 1 September 1993 the applicant's parents were refused housing allowance, as they had no residence permits in Finland. They did not appeal.

On 23 November 1993 the Supreme Administrative Court referred the matter back to the Ministry for renewed consideration, since the expulsion order had not concerned the present applicant.

On 4 January 1994 the Hollola Police District proposed to that the applicant and his family be expelled. The applicant and his family objected and requested that the expulsion

order would at least not be enforced until the applicant's possible entitlement to Finnish citizenship had been examined.

In February 1994 the applicant requested to be granted Finnish citizenship by application. On 26 April 1994 the Ministry of the Interior found no reason to grant him a residence permit. Instead the applicant and his family were ordered to be expelled to the Russian Federation, as they were all considered to be citizens of that State pursuant to its 1991 Citizenship Act which had entered into force on 6 February 1992. In a memorandum of 2 March 1994 the Ministry recalled that the applicant's parents and his brother had arrived in Finland on a tourist visa. At the time when the Russian Citizenship Act had entered into force, the applicant's parents and his brother had not been permanently residing in Finland but in the Russian Federation. As the applicant's parents had thus become citizens of the Russian Federation, the Ministry concluded that the applicant had obtained Russian (and thus not Finnish) citizenship by birth.

In the summer of 1994 the applicant's father established his own company in Hamina.

On 28 April 1995 the Supreme Administrative Court rejected the applicant's and his family's appeal against the new expulsion order.

In the summer of 1995 the applicant and his family lodged a further request for residence permits, supported by, among others, the Chief of the Hamina Police District. He stated that the applicant and his family had integrated well in Finland and that it would clearly be unreasonable to refuse them residence permits. In three decisions of 16 August 1995 the Ministry of the Interior nevertheless rejected the applicant's and his family's request. They then lodged an extraordinary appeal (*purkuhakemus, ansökan om återbrytande)* to the Supreme Administrative Court, requesting that the Ministry's decision be quashed.

On 20 October 1995 the Ministry of the Interior objected to the applicant's and his family's request to the Supreme Administrative Court. The Ministry referred, *inter alia,* to its own inquiry according to which the applicant and his family had received Russian citizenship.

On 1 February 1996 the Office for Alien Affairs (*ulkomaalaisvirasto, utlänningsverket)* requested the applicant's local Police District to inform the parents of the applicant of the costs of a negative decision on pursuing the application for citizenship.

On 1 February 1996 the Ministry of the Interior again considered that the applicant had already acquired Russian citizenship. Accordingly, he did not meet the conditions prescribed by section 4 of the 1968 Citizenship Act (*kansalaisuuslaki, medborgarskapslag 401/1968)* for granting him Finnish citizenship by application.

On 19 February 1996 the Supreme Administrative Court rejected the applicant's and his family's extraordinary appeal.

On 26 February 1996 the Consul General of the Russian Embassy in Finland certified that the applicant's parents or his brother were not citizens of the Russian Federation.

On 28 February 1996 the applicant's request for Finnish citizenship by application was withdrawn. Instead he requested that his Finnish citizenship be confirmed by the President of the Republic, given that his parents had not acquired Russian citizenship whether by application, declaration or acceptance. It was therefore argued that he had received Finnish citizenship by birth, pursuant to section 1, subsection 1 (4) of the Citizenship Act.

On 26 March 1996 the Consul General of the Russian Embassy certified that the applicant was not a citizen of the Russian Federation.

On 25 April 1996 the Chief of the Hamina Police District ordered the applicant and his family to leave Finland by 24 May 1996. The applicant and his family objected, referring, *inter alia,* to the pending request for a confirmation of the applicant's Finnish citizenship and stating that they lacked the necessary travel documents.

On 29 April 1996 the head of the Consular Department of the Russian Embassy certified that pursuant to the Citizenship Act of the Russian Federation none of the applicant's family members were Russian citizens. Their Soviet passports were no longer in force and were to be handed over to the Embassy. The family could request that new documents be issued to them by the Finnish authorities "because they were stateless". They would be unable to enter the Russian Federation without proper documents. In the letter it was also stated that the applicant's and his family's expulsion from Finland "was not based on law".

On 20 May 1996 the local Social Welfare Board decided to afford the applicant municipal day care as from 1 June 1996. The applicant's brother enjoys the right to attend a public school in Finland.

On 21 May 1996 the Chief of Police of Hamina stated that the enforcement of the expulsion order had been postponed indefinitely.

On 26 June 1996 and 22 July 1996 the head of the Consular Department of the Russian Embassy again confirmed that the applicant or his family were not citizens of the Russian Federation.

On 7 January 1997 the Social Insurance Institution considered, pursuant to section 3 of the 1993 Act, that the applicant and his family were not entitled to sickness insurance benefits under the 1963 Sickness Insurance Act. The Social Insurance Institution noted that the members of the applicant's family had arrived in Finland as refugees. Moreover, at the time of the Social Insurance Institution's decision the applicant and his family had no passports or work permits in Finland nor had they been entered in the Finnish population register. The applicant and his family appealed to the Social Insurance Board (*sosiaalivakuutuslautakunta, socialförsäkringsnämnden)* on 10 January 1997, referring, in particular, to the fact that the applicant had been born in Finland.

On 10 February 1997 the applicant's parents and brother were granted one-year residence permits in Finland. The Ministry of the Interior now considered that their citizenship was unknown. It recalled that the attempts to enforce the expulsion order regarding the applicant and his family had failed. Most recently, the Russian authorities had stated, on

2 January 1997, that the applicant and his family would not be accepted back into that country.

The applicant's parents and his brother were granted aliens passports and temporary residence permits. The applicant has not lodged with the competent authorities an application for an alien's passport and a residence permit

On 19 February 1997 the Population Registration Authority (*maistraatti, magistraten)* of Kotka stated that it could not yet deal with the applicant's request to be registered as resident in Finland and to be granted a personal identification number. The registration Authority referred to the pending citizenship proceedings and recalled that the applicant's registration would require proof of his Finnish citizenship or residence permit.

On 4 March 1997 the applicant's mother was granted a monthly child allowance for the applicant's brother exclusively.

On 12 March 1997 the Ministry of the Interior requested the Ministry of Foreign Affairs to seek clarification from the Russian authorities as regards the applicant's and his family's citizenship. The Ministry of the Interior now stated that under the terms of the Russian Citizenship Act, citizens of the former Soviet Union who were permanently resident within the Russian Federation's territory when the Act entered into force were automatically granted Russian citizenship provided they did not refuse it within a year from the entry into force of the Citizenship Act. In the view of the Ministry of the Interior, the applicant's parents had not presented evidence of such a refusal (according to the applicant's family, their objection to becoming Russian citizens was addressed to the Russian authorities and lodged with the Finnish Ministry of Interior). The Ministry requested especially clarification, *inter alia,* as to why the applicant may not have received Russian citizenship at birth or, if he did so receive the citizenship, why and when he lost it later.

On 14 April 1997 the Social Insurance Institution granted the applicant's mother a housing allowance as from 1 March 1997 and, on 18 April 1997, she was granted an employment allowance as from 13 March 1997. The applicant was not taken into account when the amounts of these allowances were fixed. On 16 May 1997 the employment allowance and housing allowance were nevertheless increased, both children having been taken into account.

On 6 May 1997 the Population Registration Authority of Kotka registered the applicant as resident in Finland and gave him a personal identification number. The applicant is registered in the official registry as born in Nastola, which is a municipality in Finland, but stateless while the nationality of his mother is registered as unknown.

In a diplomatic note of 26 May 1997 the Ministry of Foreign Affairs of the Russian Federation conveyed the reply of the Citizenship Commission of the President of the Russian Federation to the Finnish Ministry's question concerning the citizenship of the applicant and his family. The Commission stated as follows (translation):

> "The Ministry of Foreign Affairs of the Russian Federation expresses its respect for the Embassy of the Republic of Finland and, referring to the

Embassy's notice no. MOSVO 11-40 dated 18 April 1997 and to the notice no. MOSVO 11-55 dated 24 April 1997, it gives notice that the Citizenship Commission of the President of the Russian Federation has examined the citizenship of the Karassev family and declares as follows.

According to Decree no. 5206/1-1/17.6.1993 (the Russian Federation's Decree implementing the Russian Federation's Decree amending and supplementing of the Russian Federation's Act on Citizenship of the Russian Federation) of the Highest Council of the Russian Federation, citizens of the former Soviet Union who, prior to 6 February 1992, were permanently resident abroad or had left the country temporarily for the purposes of work, studies, health care or private affairs, and who returned to the country after the Act on Citizenship of the Russian Federation entered into force, were, under section 13 subsection 1 of that Act, recognised as citizens of the Russian Federation. However, the Karassev family did not return to the country by this time and, as far as is known, have no intention of doing so.

According to the Russian Federation's Act on Citizenship of the Russian Federation, citizenship is constituted by a continuous legal connection to the State, expressed in the unity of the mutual rights, obligations and liability between the person concerned and the State.

The International Court of Justice, which examined the Nottebohm case, which is comparable with the present case, defined nationality as a "legal bond having as its basis a social fact of attachment, a genuine connection of existence, interests and sentiments, together with the existence of reciprocal rights and duties".

Given that the Karassevs have resided in Finland for over five years they have, in the Commission's opinion, lost those ties to the Russian Federation and, more importantly, have not expressed their willingness to renew those ties.

The Commission concludes that the Karassevs are, therefore, not citizens of the Russian Federation. ..."

On 28 May 1997 the applicant's mother was also granted a child allowance for the applicant.

In response to the applicant's and his family's appeal of 10 January 1997 the Appellate Board for Social Insurance (*tarkastuslautakunta, prövningsnämnden),* on16 September 1997, referred the matter back to the Social Insurance Institution. According to the applicant and his family, the Social Insurance Institution has considered it unnecessary to decide this matter separately and has referred to its decisions of 16 and 28 May 1997.

In its opinion to the President of the Republic the Supreme Administrative Court, on 17 December 1997, considered that the applicant had not obtained Finnish citizenship on his birth in Finland. The Supreme Administrative Court noted, *inter alia,* that on their arrival in

Finland the applicant's parents and his brother had been citizens of the Soviet Union. They had not lost the citizenship of the successor State (the Russian Federation) by the time the applicant had been born. The Supreme Administrative Court's decision discusses neither the Russian Decree of 1993 to which the Citizenship Commission of the President of the Russian Federation referred in the applicant's and his family's case nor the Russian Embassy's certificates according to which the applicant and his family are not Russian citizens.

On 22 December 1997 the Russian Embassy, in a statement signed by an attaché, certified that pursuant to the Russian Citizenship Act the applicant was not and had not been a citizen of that State.

On 23 January 1998 the President of the Republic declared, with reference to the Supreme Administrative Court's opinion, that the applicant was not a Finnish citizen.

The applicant has petitioned to the Parliamentary Ombudsman (*eduskunnan oikeusasiamies, riksdagens justitieombudsman)* concerning the excessive length of the proceedings pertaining to the applicant's request for a citizenship declaration. No decision has been made.

B. Relevant domestic law

Section 1, subsection 1(4), of the Citizenship Act (as amended by Act no. 584/1984) reads as follows (translation):

> "A child receives Finnish citizenship by birth:
> ...
> ... if [it] is born in Finland and does not at that time receive citizenship of any other country."

Under section 1 of the 1963 Sickness Insurance Act (*sairausvakuutuslaki, sjukförsäkringslag 364/1963)*, every "resident" in Finland is entitled to the benefits guaranteed therein. The interpretation of "residence" shall be decided by the Social Insurance Institution (*kansaneläkelaitos, folkpensionsanstalten)* pursuant to the 1993 Act on Social Security based on Residence (*laki asumiseen perustuvan sosiaaliturvalainsäädännön soveltamisesta, lag om tillämpning av lagstiftningen om bosättningsbaserad social trygghet 1573/1993).* Under this Act a person shall be considered resident in Finland if his or her actual residence and home are in that country and he or she is permanently and principally staying there. An immigrant who intends to settle permanently can be considered resident as from his arrival, provided he or she is holding a residence permit valid for at least one year (should a permit be required). An asylum-seeker is not considered a resident if the decision on the asylum request or in the expulsion matter has not acquired legal force (section 3). An appeal against the Social Insurance Institution's interpretation of "residence" lies to one out of several authorities, depending on the requested benefit which underlies the dispute (section 13).

Under section 5 of the 1991 Aliens Act (*ulkomaalaislaki, utlänningslag 378/1991; later amended)* an aliens passport may be issued if the alien is unable to obtain a passport from his or her country of origin or if there is another exceptional reason for issuing such a document.

COMPLAINTS

The applicant essentially complains about the Finnish authorities' procrastination in regularising his stay in Finland, although he remains stateless and, moreover, as on his birth he did not receive any other citizenship through his parents, he should have been considered a Finnish citizen by birth. The Finnish authorities did not explain why, in the applicant's case, they arrived at the conclusion opposite to that conveyed by the Russian authorities in respect of his citizenship. Finally, the applicant refers to his precarious situation in respect of the Finnish social security system. Not holding valid residence permit, he was not entitled to certain health services and benefits for a period of well over four years.

The applicant invokes Articles 8 and 14 of the Convention in this respect.

PROCEEDINGS BEFORE THE COURT

The application was introduced before the European Commission of Human Rights on 5 May 1995 and registered on 7 May 1996.

On 17 May 1996 the Rapporteur decided to request certain information from the respondent Government, pursuant to Rule 47 § 2 (a) of the Rules of Procedure of the Commission.

Information requested by the Rapporteur was submitted by the Government on 10 June 1996. Comments in reply were submitted by the applicants (of which the present applicant was the fourth one) on 26 June 1996.

On 14 April 1998 the Commission decided to communicate the fourth applicant's complaints concerning his right to respect for his private life and his right not to be discriminated against, and declared inadmissible the remainder of the application.

The Government's written observations were submitted on 21 June 1998 and the observations on reply were submitted by the applicant on 25 September 1998.

On 18 September 1998 the Commission granted the applicant legal aid.

With entry into force on 1 November 1998 of Protocol No. 11 to the Convention and in accordance with Article 5 § 2 of Protocol No. 11 to the Convention, this application has been transferred to the Court for examination.

THE LAW

The applicant essentially complains about the Finnish authorities' procrastination in regularising his stay in Finland and the resultant effects on his entitlement to various benefits. Moreover, in spite of the views obtained from the Russian authorities on the applicant's status under the Russian Citizenship Act, the Finnish authorities refused to consider the applicant a Finnish citizen by birth. He invokes Articles 8 and 14 of the Convention in this respect.

1. The Court has first examined the complaints under Article 8 of the Convention, which reads, insofar as relevant, as follows:

> "1. Everyone has the right to respect for his private and family life, his home ...
>
> 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health and morals, or for the protection of the rights and freedoms of others."

a) The Court notes that the right to acquire a particular nationality is not guaranteed by the Convention or its Protocols. The applicant does not contest this. He rather contends that the compounded effect of the refusal of citizenship, together with the overall situation of the Karassev family, constitutes a violation of Articles 8 and 14 of the Convention. The applicant in particular emphasizes the allegedly arbitrary nature of the refusal to recognise the applicant as a citizen of Finland. According to the applicant, this denial of citizenship, "for which he was entirely qualified and the requirements for which he fully met", was based on an "interpretation of Russian law, which Russia has resolutely and with absolute certainty rejected".

The Government submit that, even notwithstanding the alleged consequences of the refusal of the President of the Republic to recognise the applicant as Finnish citizen by birth or the alleged deficiencies in the procedural guarantee inherent in Article 8, the entire complaint should be rejected under Article 27 § 2 (Article 35 § 3 since the entry into force of Protocol No. 11) of the Convention as being incompatible *ratione materiae* with the provisions of the Convention.

The Government also note that after the refusal of the President of the Republic to recognise the applicant's citizenship the custodians of the applicant have not lodged a new application for citizenship on his behalf. The earlier application made to that effect in February 1994 was withdrawn on 28 February 1996. The Government also observe that after the refusal of the President of the Republic the applicant's custodians have not made, on behalf of the applicant, an application for an alien's passport and a residence permit, which would remove the alleged consequences of the refusal and afford him the same status as to the other members of the family. The Government emphasize that the applicant would be granted an alien's passport and a residence permit, if an application was lodged for that purpose. Such

an application has not, however, been made. The Government are, thus, of the opinion that the applicant has not exhausted the domestic remedies under Article 26 (Article 35 § 1 since the entry into force of Protocol No. 11) of the Convention.

This is disputed by the applicant. He submits that he should primarily be confirmed as a Finnish citizen, with all the rights and benefits that are conveyed through that status. In denying him this status, Finland has deprived him a subjective right encompassing a number of specific rights that are an integral part of citizenship itself. He is under no obligation to apply for an alien's passport, as he should be registered as a Finnish citizen. The applicant emphasises that he has indeed exhausted all domestic remedies as far as the issue of citizenship is concerned. The applicant points out that a Finnish citizenship and an alien's passport, denoting the status of a person without citizenship, are mutually exclusive alternatives. Had the applicant indeed applied for an alien's passport, he would have relinquished his right, under section 1 of the Citizenship Act, to a Finnish citizenship. It would , in fact, have necessitated that he forgo the exhaustion of any domestic remedies available to him in the pursuance of his citizenship proper. Moreover, an application for a residence permit had been filed, although no decision was made until 1994.

The Court recalls, in the light of the Convention organs' established case-law, that the obligation to exhaust domestic remedies requires normal use of remedies, which are effective, sufficient and available. The Court considers, in these circumstances, that the applicant cannot be required to apply for an alien's passport as such an application would, as submitted by the applicant, have relinquished his right to a citizenship by birth.

The Government also note that the applicant has, in fact, been entitled to various Finnish social security benefits and cannot, in this respect, even be considered a victim under Article 25 (Article 34 since the entry into force of Protocol No. 11) of the Convention.

This is disputed by the applicant. Firstly, the applicant points out that he did not receive any social benefits for a period of well over four years. Secondly, the applicant submits that this argument is advanced in conjunction with the issue of an alien's passport. Furthermore, as the applicant had been denied his right to Finnish citizenship, he was in fact placed in a position that was even more vulnerable than that of the rest of the family.

In the light of the circumstances, especially as the Government has admitted that the applicant received social security benefits starting as from 1 June 1996, the Court considers that the applicant can claim that he has been, and still is, directly affected by the proceedings in question as he was denied of social security benefits for a certain period and, moreover, as he still has not been acquired Finnish, or any other, citizenship.

b) Although right to a citizenship is not as such guaranteed by the Convention or its Protocols (cf. No. 11278/84, Dec. 1 July 1985, D.R. 43, pp. 216 at 220), the Court does not exclude that an arbitrary denial of a citizenship might in certain circumstances raise an issue under Article 8 of the Convention because of the impact of such a denial on the private life of the individual (cf. No.'s 4403/70-4419/70, 4422/70, 4423/70, 4434/70, 4443/70, 4476/70-4478/70, 4486/70, 4501/70 and 4526/70-4530/70 (joined), Dec. 14 December 1973, D.R. 78-A, p. 5, and No. 21106/92, Kafkasli v. Turkey, Report of 1 July 1997). Therefore it is

necessary to examine whether the Finnish decisions disclose such arbitrariness or have such consequences as might raise issues under Article 8 of the Convention.

The refusal by the Finnish authorities to recognise the applicant as a citizen of Finland was based on the interpretation that the applicant did not meet the condition contained in section 1, subsection 1(4), of the Citizenship Act. According to this provision a child born in Finland receives Finnish citizenship by birth on the condition that it does not at that time receive citizenship of any other country. Thus the Finnish authorities came to the conclusion that the applicant was precluded from Finnish citizenship by the fact that he has at his birth received another citizenship, i.e. that of the Russian Federation. That interpretation is now alleged by the applicant to be manifestly wrong in the light of the position taken by Russian authorities.

The Court notes that in 1996 and 1997 a number of statements were issued by the Russian Embassy in Finland or its officials on the citizenship of the Karassev family. Most of these statements addressed the question of the citizenship of the applicant and/or his family at the time of the statement in question. They are therefore inconclusive concerning the crucial question whether the applicant at all received the citizenship of the Russian Federation at his birth. On the other hand, according to the statement of 22 December 1997, signed by an attaché of the Embassy, the applicant had never been a citizen of the Russian Federation. This indeed seems to support the applicant's contention that the interpretation which the Finnish authorities adopted concerning the Russian Citizenship Act was not correct.

However, the position is far less clear in the light of the opinion given by the Citizenship Commission of the President of the Russian Federation to the Finnish Ministry's question concerning the applicant's citizenship. The Commission, *inter alia,* quoted the Nottebohm case decided by the International Court of Justice (ICJ Reports, 1955, p. 23), in which nationality was defined as "a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interests and sentiments, together with the existence of reciprocal rights and duties". After having lived in Finland for five years the Karassevs had, in the Commission's opinion, lost that tie and - what the Commission said was more important - had not expressed any wish to restore it. Therefore, according to the resolution of the Commission, "the Karassevs are not citizens of the Russian Federation".

The Commission's conclusion seems to be that in 1997 the members of the Karassev family were not citizens of the Russian Federation, since after having resided in Finland for five years they had lost those ties to the country on the basis of which they could be regarded as citizens. This appears to suggest that those ties may well have existed on 16 December 1992, which is the relevant time for the purposes of the present case. If the parents of the family were citizens of the Russian Federation on the last-mentioned date, the applicant may also have acquired the Russian citizenship on that date, i.e. the date of his birth.

Although not without ambiguity, the opinion given by the Citizenship Commission of the Russian Federation - a special body competent to interpret Russian citizenship legislation - does not seem to be in contradiction with the way in which the Finnish authorities have interpreted the Russian Citizenship Act.

The Court therefore concludes that the decision of the Finnish authorities not to recognise the applicant as a citizen of Finland was not arbitrary in a way which could raise issues under Article 8 of the Convention.

As to the consequences of the denial to regard the applicant as a citizen, the Court notes that the applicant is not threatened with expulsion from Finland, either alone or together with his parents. His parents have residence permits and alien's passports, and similar documents could also be issued to the applicant at their request. The applicant also enjoys social benefits such as municipal day care (as from 1 June 1996) and child allowance (as from 28 May 1997). His mother also receives unemployment allowance, in the calculation of which the applicant is taken into account. Although the applicant did not enjoy these benefits from the outset, the Court does not find that the consequences of the refusal to recognise the applicant as a citizen of Finland, taken separately or in combination with the refusal itself, could be considered sufficiently serious so as to raise an issue under Article 8 of the Convention.

An examination by the Court of these complaints as they have been submitted by the applicant does not therefore disclose any appearance of a violation of his rights and freedoms set out in Article 8 of the Convention.

It follows that this part of the application is manifestly ill-founded within the meaning of Article 35 § 3 of the Convention.

2. The Court has then examined the complaints under Article 14, in conjunction with Article 8 of the Convention. Article 14 reads as follows:

> "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

Relying on Article 14 in conjunction with Article 8 of the Convention the applicant also alleges that the refusal to recognise him as a Finnish citizen was "obviously" based on the ethnic and national background of his parents, as well as their status as displaced persons.

Leaving open the question whether the applicant's complaint falls within the ambit of Article 8 so as to make Article 14 applicable, the Court finds no substantiation for the allegation that the decisions of Finnish authorities were based on the ethnic and/or national background of the applicant's parents.

An examination by the Court of this complaint as it has been submitted does not therefore disclose any appearance of a violation of the rights and freedoms set out in the Convention and in particular in the above Article.

It follows that this part of the application is manifestly ill-founded within the meaning of Article 35 § 3 of the Convention.

For these reasons, the Court, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

Vincent Berger Registrar	Georg Ress President