# **UNDT/2019/178, Porras**

#### **UNAT Held or UNDT Pronouncements**

The Tribunal observed that the Organization had decided not to renew the Applicant's appointment following his being declared persona non grata in Sudan. In practical terms, this could have necessitated redeployment of post, reassignment, administrative leave or, ultimately, non-extension of the appointment. Therefore, the Applicant's claim to remain in office in the country where he was unwelcome was, in any event, unfounded. The Tribunal, further found that the Organization had fulfilled its legal obligations towards the Applicant and the impugned decision was lawful. Consequently, the application was dismissed.

### Decision Contested or Judgment/Order Appealed

The Applicant contested UNISFA's decision to not renew his appointment.

### Legal Principle(s)

Under international law, every sovereign nation has the right to determine whether it will receive a diplomatic envoy from another nation or if he or she will be allowed to stay. The logical consequence that follows a persona non grata declaration is that the sending state must recall its agent. This applies mutatis mutandis to staff members working for the United Nations in a country that declares them persona non grata.

#### Outcome

Dismissed on merits

### Full judgment

Full judgment

## Applicants/Appellants

**Porras** 

## **Entity**

**UNISFA** 

### Case Number(s)

UNDT/NBI/2019/111

#### **Tribunal**

**UNDT** 

### Registry

Nairobi

## Date of Judgement

16 Dec 2019

## Language of Judgment

**English** 

## **Issuance Type**

Judgment

## Categories/Subcategories

Non-renewal Separation from service Expiration of appointment (see also, Non-renewal)

### **Applicable Law**

**UNDT Statute** 

#### **UNAT Statute**

• Article 2.1(a)

# Related Judgments and Orders

2020-UNAT-1068