

NATIONALITY: DOUBTFUL, DISPUTED AND OTHER CASES

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1. Introduction

This instruction provides guidance for officers considering cases where there is an issue relating to the applicant's nationality or it appears the applicant is potentially removable to more than one country/territory. The different categories of cases are:

- Doubtful nationality;
- Disputed nationality;
- Dual nationality;
- Removable to more than one country/territory;
- Disputed statelessness.

This instruction also:

- Explains how these different categories of cases should be dealt with when considering the claim;
- Explains how to document nationality appropriately, in all records and correspondence.

It does not suggest avenues of interview questioning to be used to help ascertain nationality. Such questions will need to be constructed according to the specifics of the case and the claimed nationality.

For further guidance see the relevant [COIS Report](#), [Considering the Asylum Claim](#) and the [Conducting the Asylum Interview](#) instructions.

1.1 Application of this Instruction in Respect of Children and those with Children

Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the UK Border Agency to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK. It does not impose any new functions, or override existing functions.

All UKBA staff (and contractors carrying out UKBA functions) must have regard to the statutory UK Border Agency's Section 55 guidance, ["Every Child Matters: Change for Children" Section 55 Children's Duty Guidance](#), which sets out the key principles to take into account in all Agency activities.

Our statutory duty to children includes the need to demonstrate:

- Fair treatment which meets the same standard a British child would receive;
- The child's interests being made a primary, although not the only consideration;
- No discrimination of any kind;
- Asylum applications are dealt with in a timely fashion;
- Identification of those that might be at risk from harm.

It is important to understand that the nationality: doubtful, disputed and other cases process operates alongside existing child safety procedures and considerations, and – in some cases – assists such procedures and considerations. It does not replace such considerations, or reduce the scrutiny which must be given to child safety at asylum

screening and throughout the asylum process.

2. Categories of Cases

2.1 Doubtful Nationality Cases

In these cases the UK Border Agency does not accept the applicant's claimed nationality, but cannot be satisfied on the basis of all the available documentary and oral evidence that the applicant is a national of another country and/or the UK Border Agency has no evidence that they are removable to another country/territory.

2.2 Disputed Nationality Cases

In these cases the applicant asserts that they hold a particular nationality (the 'claimed' nationality), but the UK Border Agency does not believe that the applicant is a national of that country and has evidence that they are a national of a different country (the 'believed' nationality).

For example, an applicant claims to be a national of Zimbabwe but shows a poor knowledge of country conditions in Zimbabwe and possesses a South African passport.

2.3 Dual Nationality Cases

In these cases the UK Border Agency is satisfied that on the basis of all the available documentary and oral evidence the applicant is a national of more than one country.

2.4 Removable to More Than One Country/Territory Cases

In these cases the UK Border Agency cannot be satisfied of the **nationality** of the applicant, but there is evidence that the applicant is **removable** to more than one country or territory.

Cases may also arise where the UK Border Agency is satisfied that the applicant holds their claimed **nationality**, but considers that they are **removable** to this country and another country or territory.

2.5 Disputed Statelessness Cases

In these cases the applicant asserts that they are stateless, but the UK Border Agency does not believe them and has evidence that they are a national of a country that is not the country in which they were formerly habitually resident.

3. Assessing Nationality

The nationality of an applicant must be assessed by considering all the available evidence.

3.1 Burden and Standard of Proof

There is a distinction between doubtful nationality cases and the other cases dealt with in this instruction, which in particular affects the burden of proof.

In doubtful nationality cases, UKBA is not seeking to prove positively or rely on the applicant being a nationality other than the one which he claims to be. Therefore the burden is on the applicant to show that he qualifies for protection under the Refugee Convention which includes evidencing his nationality. The standard of proof that the asylum seeker needs to meet is lower than the balance of probabilities; he merely needs to show that he faces a real risk of persecution.

In the other cases dealt with by this instruction, the officer must be able to demonstrate that on the balance of probabilities the applicant is **not** a national of the country as claimed. The balance of probabilities test is met if it is more likely than not that the applicant is not a national of the country as claimed. The balance of probabilities test applies where UKBA seeks to rely positively on the applicant being from a country of which they claim not to be a national.

3.2 Methods Used to Identify Nationality

The UK Border Agency employs various methods in order to attempt to identify an applicant's nationality or a country / territory to which they are entitled to reside. Some of these methods are stated below (this list is not exhaustive).

3.2.1 Nationality Questioning During the Screening Interview

Where it appears that there is an issue relating to the applicant's nationality or it appears that the applicant is potentially removable to more than one country/territory, the screening officer should inform the applicant and any dependants that they are required to be interviewed further regarding their nationality/removability. The screening officer should then further screen the applicant and any dependants in order to gain sufficient information to maintain the applicant's credibility or to challenge their claimed nationality.

3.2.2 Analysing Identity Documents

When considering documents presented or otherwise obtained in respect of identity and nationality, officers must first consider whether the document is capable of proving nationality. A genuine passport and national identity card would normally be capable. Other documents may also be able to prove nationality, but careful consideration of this capacity must be given.

If a document is capable of proving identity and nationality, officers must consider whether reliance can properly be placed on such documentary evidence.

The principles outlined in the case of [Tanveer Ahmed \[2002\] UKIAT 00439](#) should be applied in determining whether reliance can properly be placed on any documentary evidence. The tribunal ruled that the burden of proof is upon the applicant to show that documentary evidence submitted can be relied upon. However, it is for the decision maker to consider whether a document is one on which reliance should properly be placed after looking at all the evidence in the round. Particular attention should be paid to the authenticity of the documents and the circumstances in which they were obtained

If an officer has doubts as to the authenticity of documentation, it should be sent to the National Document Fraud Unit (NDFU). Prior to doing so, officers must make copies of the documents and attach them to the Home Office (HO) file.

There may be occasions when the applicant holds conflicting documentary evidence of nationality, for example an identity card for one nationality and a passport for another. After examination, if the most recently issued document is found to be reliable, then this would normally be sufficient evidence to establish nationality. But all relevant facts must still be taken into account.

All documentation, whether accepted as reliable or not, must be held and attached securely to the Home Office (HO) file.

3.2.3 Language Analysis

Officers may come across cases where analysis has been conducted on the applicant's language and a report has been provided. The report may conclude that the applicant is of the nationality they claim to be or that they are not of the 'claimed' nationality, and in some cases conclude that they are of another particular nationality.

The weight to be given to the language analysis report in terms of evidence of nationality will depend on the findings of the report. Overall conclusions on nationality must not be based on a language analysis report alone; the officer must take into account all of the evidence available.

For further guidance refer to the [Language Analysis](#) instruction.

3.2.4 Fingerprint Systems

Fingerprinting databases that the UK Border Agency has control of or has access to, such as the Immigration and Asylum Fingerprint System (IAFS), Central Reference System (CRS), and the Five Country Conference Data Sharing System (FCC), might produce evidence of nationality by way of a fingerprint match, that supports the nationality claimed by the applicant or details a different nationality to that which has been claimed.

For further guidance refer to the [Visas - Handling Asylum Claims from UK Visa Applicants](#) instruction.

3.2.5 Other Systems

Other systems such as E-borders, Warning Index Control Unit (WICU) and Police National Computer (PNC) may also produce evidence which supports the nationality claimed by the applicant or shows a different nationality to that being claimed.

3.2.6 Nationality Questioning During the Substantive Interview

If at the substantive interview the UK Border Agency is still not certain of the applicant's nationality, the applicant should be questioned appropriately in order to garner further information which could lead to a greater degree of certainty as to their nationality / country of entitled residence.

For further guidance refer to the [Conducting the Asylum Interview](#) instruction.

3.3 Children

If officers have reason to doubt or dispute the nationality being claimed by a child, particular regard must be paid to whether or not the child understood the actions they took or whether the child took a willing part in any deception.

For further guidance refer to the instruction on [Processing Asylum Applications from Children](#) and see section 1.1 Application of this Instruction in Respect of Children and those with Children.

4. Potential Non-Suspensive Appeals (Section 94) Cases

Officers must pay particular regard, where the UK Border Agency is disputing the applicant's claimed nationality and believes that:

- The applicant is a national of / entitled to reside in a Non-Suspensive Appeal (NSA) listed country/territory;
- The applicant's case is suitable for case by case certification as the applicant has a clearly unfounded claim in respect of the claimed nationality.

If the applicant's asylum claim is certified under section 94, they will not have an in-country right of appeal; therefore officers must be certain that after considering all of the available evidence, that on the balance of probabilities, the applicant is a national of / entitled to reside in an NSA listed country or the claim in respect of the disputed nationality is clearly unfounded (case by case certification).

Officers should refer to the below examples as a guide as to when it would be suitable to certify cases that are considered clearly unfounded:

- **Example 1 (NSA Listed Country)**

- There is no material evidence of the claimed non-NSA nationality or the material evidence is clearly unreliable;
- The applicant's knowledge of the claimed non-NSA nationality is weak;
- There is reliable evidence (material or other) of entitlement to reside in the NSA listed country / territory;
- Any fear the applicant has expressed of returning/residing in the NSA listed country / territory is clearly unfounded.

- **Example 2 (NSA Listed Country)**

- There is material evidence of the claimed non-NSA nationality, which is not clearly unreliable;
- But there is clear reliable evidence of entitlement to reside in the NSA listed country / territory that supersedes the non-NSA evidence;
- Any fear the applicant has expressed of returning/residing in the NSA listed country / territory is clearly unfounded.

- **Example 3 (NSA Case by Case)**

- There is no material evidence of the claimed nationality or the material evidence is clearly unreliable;
- The applicant's knowledge of the claimed nationality is weak.

Once it has been established that on the balance of probabilities the applicant is a national of an NSA listed country and if any fear of return to the NSA listed country is clearly unfounded or the claim in respect of the disputed nationality is clearly unfounded, the officer must then certify the case under [section 94 \(2 or 3\) of the NIA Act 2002](#).

Note that a decision not to certify a claim as clearly unfounded for reasons of doubtful nationality does not amount to acceptance of the claimed nationality.

For further guidance refer to [Certification under Section 94 of the NIA Act 2002](#) instruction.

5. Reasons for Refusal Letter and Immigration Decision Notice

5.1 Doubtful Nationality Cases

In instances where the UK Border Agency disbelieves the applicant's claimed nationality, but cannot be satisfied on the basis of all the available documentary and oral evidence that the applicant is a national of another country, only the country of claimed nationality should be specified in the notice of immigration decision.

The asylum and/or human rights claim should be considered substantively and where both are to be refused, this should be on the basis that the applicant has failed to establish that he is outside of his country of nationality owing to a well-founded fear of persecution or that his removal would result in a breach of the ECHR. Unlike with disputed nationality cases, however, the officer cannot proceed to consider risk under the Refugee Convention or the ECHR in relation to another country as there will be insufficient evidence indicating which country this is.

The Reasons for Refusal Letter (RFRL) should make clear the reasons why the applicant's claim to a particular nationality has not been accepted. In such cases officers should take particular care to investigate the evidence of nationality thoroughly at interview so that wherever possible their claimed nationality can be rebutted.

In the unlikely event that the applicant can establish that there is a real risk that their removal to the country/territory of claimed nationality would breach their human rights without the UK Border Agency being satisfied that they are a national of that country/territory, officers should refer to their senior caseworker.

It is important to keep in mind that the fact that the officer does not accept the applicant's claim to nationality but has insufficient evidence of an alternative country or territory to which the applicant can be removed, does not mean the applicant falls to be granted asylum as a Stateless person. In order to make a claim for refugee status as a Stateless person, the applicant must satisfy the officer that they have no nationality and that they are outside the country of their last habitual residence owing to a well-founded fear of persecution for a Convention reason, and that owing to such a fear they are unable or unwilling to return to it.

5.2 Disputed Nationality Cases

The officer should assess all the evidence, both documentary and oral, that relates to the nationality of the applicant. **The country of claimed nationality should always be specified in the notice of immigration decision.** The country of believed nationality should also be specified in the notice of immigration decision where the officer is satisfied, that after considering all the available evidence, on the balance of probabilities the applicant is a national of that country.

The following approach should be taken in the RFRL:

- The claim must be assessed with regard to the country of which the applicant claims to be a national (country X) **and** the country of which the UK Border Agency believes them to be a national (country Y). The RFRL should clearly state why the UK Border Agency believes that the applicant is a national of country Y, and the evidence that the UK Border Agency is relying on in reaching this conclusion;
- Where there is no real risk of persecution or a breach of the ECHR in either country X or

country Y, the RFRL should deal with the risk of persecution or a breach of the ECHR in **both countries**, stating in detail why the claim fails in respect of each country;

- Where there is a real risk of persecution or a breach of the ECHR in country X but there is no such risk in country Y, the RFRL should deal with the risk of persecution or a breach of the ECHR in **both countries** but conclude by stating that the risk in country X can be avoided as the applicant is a national of, and therefore removable to, country Y. Both countries must be referenced in the notice of immigration decision in order that the alleged asylum and/or human rights risks can be considered at appeal.

5.3 Dual Nationality Cases

The claim must be assessed with regard to both countries. Where there is no real risk of persecution or a breach of the ECHR in either country the RFRL should deal with the issue of risk in both countries, stating in detail why the claim fails in respect of each country. In this scenario both countries should be specified in the notice of immigration decision.

Where there is a real risk of persecution or a breach of the ECHR in one of the countries (country X) but not the other (country Y), the RFRL should deal with the risk of persecution or a breach of the ECHR in **both countries** but conclude by stating that the risk in country X can be avoided as the applicant is a national of, and therefore removable to, country Y.

5.4 Removable to More than One Country/Territory Cases

The officer should consider all the available evidence relating to the nationality and removability of the applicant, and assess the claim with regard to the 'claimed' country of nationality as well as to each country or territory to which it is believed the person is removable.

Countries or territories should be specified in the notice of immigration decision where the officer is satisfied on the basis of the evidence that the applicant is removable to that country or territory. Or in cases where the UK Border Agency is unsure of the applicant's nationality but they claim to be a national of that country/territory **and** the officer finds that there is no real risk of persecution or a breach of the ECHR in that country or territory, then they should also be specified in the notice of immigration decision.

Where there is a real risk of persecution or a breach of the ECHR in one of the countries or territories, e.g. country X, the RFRL should deal with the risk of persecution or a breach of the ECHR in **all the countries/territories** but conclude by stating that the risk in country X can be avoided as the applicant is removable to another country e.g. country Y.

5.5 Disputed Statelessness Cases

In these cases, both the country of believed nationality and the country of former habitual residence should be specified in the notice of immigration decision.

The approach to follow in the RFRL for disputed statelessness cases is the same as 'Disputed Nationality'.

In instances where the UK Border Agency disbelieves the applicant's assertion that they are stateless, but cannot be satisfied on the basis of all the available documentary and oral evidence that the applicant is a national of a country other than the country in which they were formerly habitually resident, only the country in which they were formerly habitually resident should be specified. In such cases officers should take particular care to

thoroughly investigate the evidence of statelessness/nationality at interview so that wherever possible the UK Border Agency can rebut their claim to be stateless.

6. Appeal Stage

This section provides guidance for officers on how to present appeals where the appellant's claimed nationality has been doubted/disputed and/or it appears the appellant is removable to more than one country/territory.

The Asylum and Immigration Tribunal (AIT) can consider risk upon return in relation to all of the countries or territories specified in the immigration decision notice. This ensures that the AIT considers all potential asylum and/or human rights barriers to removal during a single statutory appeal.

When disputing nationality, if the presenting officer relies positively on the appellant being a national of a country other than the country claimed, he must prove that on the 'balance of probabilities'. However, the appellant is only required to prove their nationality to a lower standard of proof, 'reasonable likelihood' (as specified in the case of [OI \[2004\] UKIAT 00196](#)).

6.1 Before and During the Appeal Hearing

- The presenting officer must in all cases:
 - Before the appeal, check that the immigration decision notice and the RFRL have been completed appropriately;
 - Present the appeal by identifying the risk of removal to the appellant in all the countries (or territories) specified in the notice of immigration decision;
 - Emphasise to the court that the appellant will not be removed to a country (or territory) where the RFRL has accepted that the appellant will be at risk if removed;
 - Explain to the Immigration Judge (IJ) (or panel) that they can only allow the appeal if they find that returning the appellant to **all** the countries (or territories) specified in the immigration decision notice would breach the 1951 Convention/ECHR. Explain that they are only considering one decision to remove, and that decision can only be lawful if removal can be effected safely to one of the listed countries;
- The presenting officer must in Doubtful Nationality Cases only:
 - Have regard to [Hamza \[2002\] UKIAT 05185](#). Presenting officers must also, if necessary, remind the IJ/panel that if they find that the appellant has put forward a fraudulent claim with regards to the claimed nationality, the claimant cannot then complain about the decision notice specifying a country he doesn't in fact come from, and so have the decision notice set aside. Furthermore, if evidence exists, the IJ / panel is entitled, on the balance of probabilities, to find that the appellant is a national of an alternate country.
- The presenting officer must in Disputed Nationality Cases only:
 - Submit on the balance of probabilities that the appellant is not a national of the claimed country (or territory).

6.2 New Evidence Comes to Light During the Appeals Process

New evidence that is received during the appeal process should be dealt with according to established procedures.

If new evidence comes to light and it is not considered appropriate to grant leave, but the new evidence is such that there is no longer any basis to propose removing the appellant to one of the countries listed on the immigration decision notice, and the new evidence states a different country to which the appellant could be removed to, the presenting officer must:

- Withdraw the original decision and notify the tribunal that the immigration decision is being withdrawn;
- Consider whether to issue a new RFRL;
- Issue an amended immigration decision notice specifying the new country / territory;
- Update CID accordingly.

6.2.1 New Evidence Received on the Date of the Appeal

If new evidence comes to light on the date of the appeal, the same process must be followed as above, except that if an adjournment is not granted, the presenting officer should withdraw the decision orally and notify the IJ / panel of the country to which the decision notice should now be set.

6.3 Post Appeal Determination

The presenting officer must ensure that a clear minute is placed on the HO file and CID stating the outcome of the appeal and where appropriate, which country / countries or territory / territories the appellant can be removed to.

7. Updating Records and Correspondence

In cases where there is an issue relating to the applicant's nationality or it appears the applicant is potentially removable to more than one country/territory, it is extremely important to note this fact on all relevant UK Border Agency records. It is also vital that the issue in question is clearly flagged up in any correspondence – particularly in the bio-data recorded at the head of any correspondence.

The relevant bio-data formulations are set out below:

- **Doubtful Nationality Cases**

Name: Name
Nationality: French (claims to be)

- **Disputed Nationality Cases**

Name: Name
Nationality: French (claims to be)
German (believed to be)

- **Dual Nationality Cases**

Name: Name
Nationality: French and German

- **Where there is Evidence that the Applicant is Removable to More than One Country/Territory**

Name: Name
Nationality: French (claims to be), removable to Spain

- **Where Nationality is Accepted, but there is also Evidence that the Applicant is Removable to Another Country/Territory**

Name: Name
Nationality: French, but removable to Spain also

- **Disputed Statelessness Cases**

Name: Name
Nationality: Stateless (claims to be)
German (believed to be)

7.1 Updating CID Records

Where there is an issue relating to the applicant's nationality or it appears the applicant is potentially removable to more than one country/territory, their CID record should also be updated accordingly.

The appropriate step-by-step actions must be followed:

- **Updating CID Records in Doubtful Nationality and Disputed Nationality Cases**

1. Select the 'Special Conditions' screen;
2. In the 'Special Condition Type' field, select from the static data drop down list the 'Nationality Dispute' option;
3. In the 'Lodged Date' field, enter the date that the applicant's nationality was doubted/disputed;
4. Any additional information can be inserted in the 'Additional Information' field. (For example, where the UK Border Agency believe the applicant to come from another country, add 'applicant believed to be from country'/is removable to country');
5. Do not enter anything in the 'Closed Date' field. This is for use when the Special Conditions no longer apply.

- **Updating CID Records in Dual Nationality Cases**

Officers should update 'person notes' with details of the applicant's second nationality and why it is believed that they can be removed to this country/territory.

- **Updating CID Records where the Applicant is Removable to More than one Country/Territory**

1. Select the 'Special Conditions' screen. In the 'Special Condition Type' field, select from the static data drop down list the 'Nationality Dispute' option;
2. In the 'Lodged Date' field, enter the date that the applicant's nationality was disputed;
3. Any additional information can be inserted in the 'Additional Information' field. (For example details of the country to which it is believed the applicant is removable and why);
4. Do not enter anything in the 'Closed Date' field. This is for use when the Special Conditions no longer apply.

Where nationality is accepted, but there is also evidence that the applicant is removable to another country/territory, the nationality of the applicant should not be disputed on the 'Special Conditions' screen, however details of where it is believed the applicant can be removed to should be inserted on 'Person Notes'.

- **Updating CID Records in Disputed Statelessness Cases**

An applicant's nationality should only be recorded as Stateless on CID where the applicant has produced a Convention document which defines them as Stateless under the 1951 or 1954 Convention. In all other cases, their claim to be Stateless should only be recorded in 'Person notes'. Should the applicant be considered to be Stateless following consideration of the claim, officers should amend CID to reflect this.

7.1.1 Updating CID when Nationality is No Longer an Issue

Where nationality is no longer an issue, due to information coming to light which establishes the applicant's claimed nationality, their case must be processed in the same way as any other, and CID must be updated to reflect this.

ANNEX A - RFRL Standard Wordings

- **Doubtful Nationality Cases**

Use where both the asylum and human rights claim fall to be refused

Your asylum and/or human rights claim is based upon an alleged fear of (cause of alleged fear) in country X. For the reasons given in paragraphs (refer to paragraph numbers) it is not accepted that you are a national of country X nor that you have established a real risk of persecution or a breach of the ECHR in country X (see paragraph numbers). You will be removed to country X as this is the country of which you claim to be a national.

- **Disputed Nationality Cases**

Your asylum and/or human rights claim is based upon an alleged fear of (cause of alleged fear) in country X.

Use where there is NO risk on removal to either the country of claimed nationality (country X) or the country of believed nationality (country Y)

However, for the reasons given in paragraphs (refer to paragraph numbers), it is not accepted that you are a national of country X but that you are national of country Y. Consideration has been given to whether there is a real risk of persecution or a breach of the ECHR in country X or country Y, however, for the reasons given in paragraphs (refer to paragraph numbers), you have failed to establish a real risk of persecution or a breach of the ECHR in either country. You will therefore be removed to country Y. The Notice of Immigration Decision will specify both country X and country Y in order for the issue to be raised at appeal, should you choose to exercise your right of appeal against the decision. Removal directions will not, however, be set to country X.

Use where there is a risk on removal to country X but NOT to country Y

Consideration has been given to whether there may be a real risk of persecution or a breach of the ECHR in country X. It is accepted that were you a national of country X as you claim, you have established a real risk of persecution or a breach of the ECHR in country X, however, for the reasons given in paragraphs (refer to paragraph numbers), it is not accepted that you are a national of country X. Furthermore, for the reasons given in paragraphs (refer to paragraph numbers), it is believed that you are a national of country Y. You have failed to establish a real risk of persecution or a breach of the ECHR in country Y (refer to paragraph numbers) and you will therefore be removed to country Y. The Notice of Immigration Decision will specify both country X and country Y in order for the issue to be raised at appeal, should you choose to exercise your right of appeal against the decision. Removal directions will not, however, be set to country X.

- **Dual Nationality Cases**

Your asylum and/or human rights claim is based upon an alleged fear of (cause of alleged fear) in country X.

Use where there is NO risk on removal to either country X or country Y (the other country of which the person is a national)

For the reasons given in paragraphs (refer to paragraph numbers), you have failed to establish a real risk of persecution or a breach of the ECHR in country X. Furthermore, for

the reasons given in paragraphs (refer to paragraph numbers) it is accepted that you are a dual national of country X and country Y. You have also failed to establish a real risk of persecution or a breach of the ECHR in country Y, for the reasons given in paragraphs (refer to paragraph numbers). You will therefore be removed to country X or country Y.

Use where there is a risk on removal to country X but not to country Y

For the reasons given in paragraphs (refer to paragraph numbers) it is accepted that there is a real risk of persecution or a breach of the ECHR in country X. However, for the reasons given in paragraphs (refer to paragraph numbers) it is considered that you are a dual national of country X and country Y. You have failed to establish a real risk of persecution or a breach of the ECHR in country Y, for the reasons given in paragraphs (refer to paragraph numbers). You will therefore be removed to country Y.

- **Unsure of the Applicant's Nationality, but they are Removable to Country D and Country E**

Your asylum and/or human rights claim is based upon an alleged fear of (cause of alleged fear) in country X.

Use where there is NO risk on removal to claimed country of nationality (country X) or country Y or country Z

For the reasons given in paragraphs (refer to paragraph numbers), it is not certain what country you are a national of but for the reasons given in paragraphs (refer to paragraph numbers) it is believed that you can be removed to country Y or country Z. Furthermore, for the reasons given in paragraphs (refer to paragraph numbers), you have failed to establish a real risk of persecution or a breach of the ECHR in country Y or country Z. You will therefore be removed to country X, (the country of which you claim to be a national) or country Y or country Z.

Use where there is a risk on removal to country Y but NOT to claimed country of nationality (country X) or country Z

For the reasons given in paragraphs (refer to paragraph numbers), it is not certain what country you are a national of but for the reasons given in paragraphs (refer to paragraph numbers) it is believed that you can be removed to country X or country Z. It is accepted for the reasons given in paragraphs (refer to paragraph numbers) that you have established a real risk of persecution or breach of the ECHR in country Y, however you have failed to establish a real risk of persecution or a breach of the ECHR in country Z for the reasons given in paragraphs (refer to paragraph numbers). You will therefore be removed to country X (the country of which you claim to be a national) or country Z.

- **Accept Applicant is a National of Country X, but also Removable to Country Y**

Your asylum and/or human rights claim is based upon an alleged fear of (cause of alleged fear) in country X.

Use where there is NO risk on removal to either country X or country Y

Whilst it is accepted that you are a national of country X, for the reasons given in paragraphs (refer to paragraph numbers), you have failed to establish a real risk of persecution or a breach of the ECHR in country X. Furthermore, for the reasons given in paragraphs (refer to paragraph numbers), it is believed that you can be removed to country Y. You have failed to establish a real risk of persecution or a breach of the ECHR in country Y. You will therefore be removed to country X or country Y.

Use where there is a risk on removal to country X but NOT to country Y

Whilst it is accepted that you are a national of **country X** and that you have established a real risk of persecution or a breach of the ECHR in **country X**, for the reasons given in paragraphs (refer to paragraph numbers), it is believed that you can be removed to **country Y**. You have failed to establish a real risk of persecution or a breach of the ECHR were you to be removed to **country Y**, for the reasons given in paragraphs (refer to paragraph numbers). You will therefore be removed to **country Y**.

- **Disputed Statelessness Cases**

Your asylum and/or human rights claim is based upon your claim to be a Stateless person and your fear of (cause of alleged fear) in your last country of habitual residence, **country X**.

Use where there is NO risk on removal to either the last country of habitual residence (country X) or the country of believed nationality (country Y)

For the reasons given in paragraphs (refer to paragraph numbers), you have not established a real risk of persecution or breach of the ECHR in your last country of habitual residence, **country X**. Furthermore, for the reasons given in paragraphs (refer to paragraph numbers), it is not accepted that you are Stateless as it is believed that you are a national of **country Y**. For the reasons given in paragraphs (refer to paragraph numbers), you have not established a real risk of persecution or a breach of the ECHR in **country Y**. You will therefore be removed to either **country X** or **country Y**.

Use where there is a risk on removal to country X but NOT to country Y

It is accepted that you have established a real risk of persecution or a breach of the ECHR in your last country of habitual residence, **country X**. However, for the reasons given in paragraphs (refer to paragraph numbers), it is not accepted that you are Stateless as it is believed that you are a national of **country Y**. For the reasons given in paragraphs (refer to paragraph numbers), you have not established a real risk of persecution or a breach of the ECHR in **country Y**. As you have not established a real risk of persecution or a breach of the ECHR in **country Y**, you will be removed to **country Y**. The Notice of Immigration Decision will specify both **country X** and **country Y** in order for the issue to be raised at appeal, should you choose to exercise your right of appeal against the decision. Removal directions will not, however, be set to **country X**.

Use where it is believed that the applicant is a national of country X and there is NO risk on removal to that country

For the reasons given in paragraphs (refer to paragraph numbers), it is not accepted that you are Stateless as it is believed that you are a national of your last country of habitual residence, **country X**. You have failed to establish a real risk of persecution or a breach of the ECHR in **country X** for the reasons given in paragraphs (refer to paragraph numbers). You will therefore be removed to **country X**.

Document Control

Change Record

Version	Authors	Date	Change Reference
1.0	BN	06.10.2009	First version.
2.0	GL	27/10/09	Update To Children's Duty
3.0	GL	05/10/10	Further update to Children's duty
4.0	GL	23/02/12	Change to 3.2.4