

Nationality: Doubtful, Disputed and Other Cases

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1. Introduction

1.1 Audience and Purpose

This instruction is intended for the sight of all officers involved in the registration, consideration and wider case management of asylum casework.

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 the different categories of cases must be dealt with when considering the claim;
- How to document nationality appropriately, in all records and correspondence, including when and how to change the recorded details.

For further guidance see the relevant country Operational Guidance Note, COIS Report, and the instructions Considering the Asylum Claim and Assessing Credibility, Conducting the Asylum Interview and Applications for Leave to Remain as a Stateless Person.

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

Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the Home Office 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 Home Office staff (and contractors carrying out Home Office functions) must have regard to the statutory 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 Home Office 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 this instruction 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

The two main categories of claim that officers are likely to encounter will be doubtful nationality cases and disputed nationality cases, but other case types may also be seen. The categories are not legal terms, but rather reflect differences around the handling and considerations required in the circumstances described (explained in this instruction).

2.1 Doubtful Nationality Cases

In these cases the Home Office 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 Home Office 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 Home Office 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 Home Office 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 Home Office 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 Home Office 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 Home Office 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

An applicant's nationality must be assessed by considering all of the evidence available.

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, the Home Office 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 the lower standard; he merely needs to show there is a reasonable degree of likelihood that he will face persecution (this is the same standard of proof as there being substantial grounds for believing that he would face a real risk of serious harm).

If however the Home Office considers the applicant to be a specific nationality other than that claimed (this potentially applies to all of the other categories of case described in this instruction, but not to doubtful nationality cases), the burden of proof rests with the Home Office to prove the assertion (this follows the general legal principle of "he who asserts must prove").

If asserting that the applicant holds a particular nationality, the Home Office will need to establish this according to the balance of probabilities standard (this is a higher threshold than the lower standard mentioned above). The test is met if it is more likely than not, that the applicant is of the alternative nationality.

3.2 Methods Used to Identify Nationality

The Home Office employs various methods in order to attempt to identify an applicant's nationality or a country/territory in 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, the screening officer should inform the applicant and any dependants that they are required to be interviewed further regarding their nationality. The screening officer should then further screen the applicant and any dependants in order to gain sufficient information to accept or challenge the claimed nationality.

(See [7. Updating Records and Correspondence](#), for registering claims and records.)

If at screening or subsequently, doubts over nationality are raised, or if the applicant's claimed nationality is one on which targeted testing is allowed, consideration must be given to conducting language analysis. See the Language Analysis instruction, and [3.2.3 Language Analysis](#).

3.2.2 Analysing Identity Documents

When considering documents presented 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 not genuine, it will not be capable of proving identity and nationality. 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.

Even if a document is genuine, it may have been improperly obtained or issued. Particular attention must therefore be paid to both the authenticity of the documents and the circumstances in which they were issued and obtained. This is a question of the reliance that can be placed on the evidence.

The principles outlined in the case of [Tanveer Ahmed \[2002\] UKIAT 00439](#) must be applied in determining whether reliance can properly be placed on any documentary evidence. The Tribunal ruled that the burden of proof is on 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.

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 and looked at in the round on a case by case basis.

All documentation, whether accepted as reliable or not, must be held and attached securely to the Home Office (HO) file, or placed in secure document bank (with copies attached to file and actions clearly minutes on file and CID).

For further guidance refer to Considering the Asylum Claim and Assessing Credibility.

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's language is found in the area from which they claim to come, or that it is not. In some cases the analysis may conclude that the language spoken is from another country altogether.

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.

Language analysis may be undertaken at any time, from asylum screening and onwards.

For further guidance refer to the Language Analysis instruction.

3.2.4 Fingerprint Systems

Fingerprinting databases such as the Immigration and Asylum Biometric System (IABS) and the Five Country Conference Data Sharing process (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.

(The CRS system provides information relating to visa applications, and is a useful resource for biographical searches on older visa applications made before the introduction of

biometric visas.)

For further guidance refer to the Visa Matches - Handling Asylum Claims from UK Visa Applicants and Biometric Data Sharing (Fingerprint Matching) instructions.

3.2.5 Other Systems

Other systems such as E-borders, watchlists 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 by the time of the substantive interview the applicant's nationality is still in doubt, they must be questioned appropriately to obtain further information which could lead to greater certainty as to their nationality/country of entitled residence. The applicant must be given the opportunity to respond to and address any issues giving rise to doubts over their nationality. If the applicant is believed to come from, or otherwise be returnable to a country other than that claimed, they must be asked if there is any reason why they could not be returned there.

For further guidance refer to the Considering the Asylum Claim and Assessing Credibility 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. Non-Suspensive Appeal Cases (Section 94 Certification)

Certification of a disputed nationality refusal decision may be appropriate if the applicant is:

- A national of/entitled to reside in an NSA listed country/territory; or,
- The application 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 (refer to section [3.1 Burden of Proof](#)), 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 Home Office 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 must be specified in the immigration decision notice.

The asylum and/or human rights claim must be considered substantively and where both are to be refused, this must 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) must make clear the reasons why the applicant's claim to a particular nationality has not been accepted. In such cases officers must 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 Home Office being satisfied that they are a national of that country/territory, officers must refer to their senior caseworker.

It is important to keep in mind that if the Home Office does not accept the applicant's claimed nationality but has insufficient evidence of an alternative country or territory to which the applicant can be removed, it 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.

Those who claim to be stateless but cannot demonstrate a well-founded fear of persecution may apply for stateless leave under the Immigration Rules. See the instruction "Applications for leave to remain as a stateless person".

5.2 Disputed Nationality Cases

The officer must assess all the evidence that relates to the nationality of the applicant, both documentary and oral. **The country of claimed nationality must always be specified in the immigration decision notice.** The country of believed nationality must also be specified in the immigration decision notice 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 must 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 Home Office believes them to be a national (country Y). The RFRL must clearly state why the Home Office believes that the applicant is a national of country Y, and the evidence that the Home Office 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 must 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 must 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 immigration decision notice 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 must 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 must be specified in the immigration decision notice. 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 must 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 must 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 must be specified in the immigration decision notice 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 Home Office 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 must also be specified in the immigration decision notice.

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 must 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 must be specified in the immigration decision notice.

The approach to follow in the RFRL for disputed statelessness cases is the same as “Disputed Nationality” – refer to [5.2 Disputed Nationality Cases](#).

In instances where the Home Office 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 must be specified. In such cases officers must take particular care to thoroughly investigate the evidence of statelessness/nationality at interview so that wherever possible the Home Office can rebut their claim to be stateless.

6. Appeals

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 Immigration and Asylum Tribunal (IAT) can consider risk upon return in relation to all of the countries or territories specified in the immigration decision notice. This ensures that the IAT 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, as specified in the case of [OI \[2004\] UKIAT 00196](#), the appellant is only required to prove their nationality to the lower standard of proof (reasonable likelihood).

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 immigration decision notice;
- 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 affected 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 (please see '[3.2 Methods Used to Identify Nationality](#)') 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

CID records and correspondence will be created and issued from the point of registration. Changes to the records and correspondence because of nationality issues are most likely to be required following a substantive asylum decision, but updates and revisions may be required at any time depending on case developments.

7.1 Updating CID Records

All relevant CID entries below must be completed according to the information held and regarded to be accurate at the time.

All Case Types Where Nationality is Doubted or Disputed – Special Conditions

- Select the “Special Conditions” screen. In the “Special Condition Type” field, select from the static data drop down list the “Nationality Dispute” option;
- In the “Lodged Date” field, enter the date that the applicant’s nationality was disputed;
- In the “Additional Information” field, add any further relevant information. (For example, details of the country to which it is believed the applicant is removable and why);
- Do not enter anything in the “Closed Date” field until the Special Condition no longer applies (if the claimed nationality is finally accepted by the Home Office).

All Disputed Nationality Case Types – Aliases

- Select the “CID Person Maintenance Screen” and select the “Alias” tab;
- Complete the identity fields with the identity information, ensuring that the “Nationality” field shows the false nationality;
- Enter “Nationality - Disputed” in the “Alias Type” field;
- Select the “Person” tab on the “CID Person Maintenance Screen” and change the “Nationality” field to the believed nationality.

Dual Nationality Cases – Nationality Field and Person Notes

- Select the “CID Person Maintenance” screen and enter the applicant’s primary/preferred nationality in the “Nationality” field;
- Select the “Person Notes” tab, and enter the details of the applicant’s second nationality and why it is believed that they can be removed to this country/territory.

Where Nationality is Accepted, but there is Evidence that the Applicant is Removable to Another Country/Territory – Person Notes

- Select the “CID Person Maintenance” screen and select the “Person Notes” tab;
- Enter details of the country/territory to where it is believed the applicant can be removed;
- Do not open a disputed case on the “Special Conditions” screen.

Disputed Statelessness Cases – Nationality Field and Person Notes

- For applicants in possession of a Convention document which defines them as stateless under the 1951 or 1954 Convention, select the “CID Person Maintenance” screen and in the “Nationality” field enter the appropriate stateless category;
- For applicants claiming to be stateless but without Convention documents, select the “CID Person Maintenance” screen and in the “Nationality” field enter the place of origin or place of habitual residence. In the “Person Notes” tab, record the claim to be stateless. If following consideration of the claim the applicant is considered to be stateless, officers must amend CID accordingly (see bullet point above).

7.2 Correspondence

The relevant bio-data formulations for use in files and correspondence 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)

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 Immigration decision notice 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 Immigration decision notice 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 Y and Country Z**

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 immigration decision notice 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	06/10/09	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
5.0	MK	26/10/13	Revised CID Alias actions, others