

Disputed nationality allowed appeals

Introduction

1. This guidance relates to asylum cases in which we dispute the nationality of the claimant and the appeal against refusal of asylum has been allowed.

Guidance

2. Where a person claims to be a national of a particular country, but we believe them to be entitled to reside in a different country, the country that they claim to be a national of may be specified as the proposed country of removal. Where an appeal against such a decision is allowed, cases will fall into two different categories. The category the case falls into will determine whether we implement the allowed appeal or re-make the refusal specifying a different country as the proposed country of removal.

Category 1

These are cases where we have very strong grounds for believing the claimant is entitled to reside in a country other than their claimed nationality, such as reliable documentary evidence, and we do not consider that the claimant is at risk in that country. Where a case falls into this category a new decision should be made specifying the country that we believe them to be a entitled to reside in as the country of proposed return, with a consequential right of appeal.

Category 2

These are cases where there are not strong grounds for believing the claimant is entitled to reside in a country other than the claimed country of nationality, or there are strong grounds but it is considered that claimant is at risk in that country. Where a case falls into this category the allowed appeal should be implemented.

3. Further enquiries should be directed to APU via a senior caseworker.

Date of issue: 14 November 2005