



Australian Government
Immigration Assessment Authority

Decision and Reasons

Referred application

BANGLADESH

IAA reference: IAA21/09573

Date and time of decision: 31 August 2021 12:39:00

I Sheek, Reviewer

Decision

The IAA affirms the decision not to grant the referred applicant a protection visa.

Any references appearing in square brackets indicate that information has been omitted from this decision pursuant to section 473EC(2) of the Migration Act 1958 and replaced with generic information which does not allow the identification of a referred applicant, or their relative or other dependant.

Background to the review

Visa application

1. The referred applicant (the applicant) is a Bangladeshi national born in Chuadanga district, Khulna province. He arrived in Australia [in] July 2013. On 8 August 2017 he lodged an application for a protection visa (PV).
2. On 26 July 2021 a delegate of the Minister for Immigration (the delegate) refused to grant the visa. The delegate did not accept that the applicant had been a supporter of the political party Jamaat-e-Islami (JI) in Bangladesh but concluded that he may have preferred this party. The delegate did not accept that the applicant was of any adverse interest to members or supporters of the Bangladesh Awami League (AL) or any other actor. The delegate concluded that the applicant would not face a real chance of harm in Bangladesh due to his real or imputed political opinion, being a failed asylum seeker or for any other reason.

Information before the IAA

3. I have had regard to the material given by the Secretary under s.473CB of the *Migration Act 1958* (the Act). No further information has been obtained or received.

Applicant's claims for protection

4. After his arrival in Australia the applicant was interviewed by officers of the then Department of Immigration and Border Protection (now the Department of Home Affairs) on 31 July and 14 August 2013. Together with his PV application the applicant provided a statement of claims dated 2 August 2017. On 11 May 2021 the applicant attended an interview ("the PV interview") with the delegate by videoconference. The applicant claims:
 - He fears harm in Bangladesh because of his involvement with the JI. He was a supporter of the JI and was threatened by members of the AL. If he returns to Bangladesh he will be harmed by members of the AL, who are still seeking him;
 - If he were to return to Bangladesh he could not openly express his religion or express his political opinion;
 - As he has been in Australia for many years he will be perceived to have a lot of money. If he returns to Bangladesh he will be even more of a target to the men who seek him.

Factual findings

5. Based on the information provided in his application, identity documents and oral evidence, I accept that the applicant's background is as follows: he was born on [date] in [his home] village, Chuadnaga district. He is a Bangladeshi national. He is of Bengali ethnicity and Muslim faith. He has [specified family members]. His parents and [most of his family] remain in his home village. The applicant completed some primary education. He worked on the family farm and additionally was employed in a [shop]. The applicant currently works [in] Australia.
6. The applicant has consistently stated that he supported JI but was harassed by members of the AL, who would tell him not to support JI. In his arrival interview in 2013 the applicant stated that he worked for, supported and promoted JI for five years prior to leaving Bangladesh. He

would promote Islam and encourage people to pray in the mosque because Islam is a good religion and that is what God would want them to do. In the applicant's statement of claims in 2017 he added that all of his immediate and extended family were supporters of JI and his brother R was a formal member. In the PV interview the delegate asked the applicant what attracted him to JI and he responded that they say that you should not do things that cause people harm. They were respected by the people and provided food and clothing to people in need. When asked what was the ideology of the party the applicant replied that he no longer knew, as he had been out of touch since coming to Australia. Country information indicates that JI is the largest Islamist party in Bangladesh. JI is committed to the creation of an Islamic state with a sharia legal system, and to the removal of 'un-Islamic' laws and practices.¹ The applicant was unable to provide much detail on the political aims of JI and appears to have focused on their religious or charitable activities. I am satisfied that he supported JI and volunteered in charitable activities. The applicant has consistently stated that he was never a member of JI or any other party and never voted. I accept that this is the case.

7. The applicant has also consistently stated that he was harassed by members of the AL party, who would say he should not support the JI he should support their party. In his 2017 statement of claims the applicant said that the group of AL men would come to the shop where he worked from when he was [age range] years old. The applicant stated in both his arrival interview and his PV application that he was born in [later year], therefore these visits would have occurred between 2010 and 2012. The applicant has however subsequently provided his birth certificate, which shows he was born in [earlier year], so the stated visits would have taken place when he was [older range] years of age. The applicant then claims that in 2012 he was walking home from work when the group of men stopped him in the street and said that they had given him two years to decide to join them and if he did not come and join them "nobody will find you". The applicant interpreted this to mean that they would kill him. In his 2013 arrival interview the applicant had said that the event occurred in February or March 2013. The men had stopped him on the road and demanded that he stop work or go away. He stopped work immediately and left the country a few months later.
8. There was a further variation to the evidence in the PV interview. The applicant again stated that the group of men stopped him on the road and told him that he had to join them. From this he understood that their next step would be to kidnap or kill him. This was the event that caused him to leave Bangladesh. The applicant also claimed in his 2017 statement of claims and at the PV interview that he approached the police for help but was told that as he had not actually been harmed there was nothing they could do. The applicant has also stated that the men are still searching for him. His father recently told him that [in] March 2021 they came to his home asking for him. His father did not recognise the men, they were not locals, but they were part of the AL. The delegate asked why the men would still be searching for the applicant after some eight years and the applicant responded that it was because he was a witness to them harassing and extorting other people. Although the AL have been in power in Bangladesh since 2007 they knew they might not be in power for ever and after they were out of power their misdeeds may become apparent. This is why they were "after" the applicant.
9. Although the applicant has consistently stated that he was harassed to join the AL his claims on this issue have become increasingly embellished. Although I accept as plausible that members of political parties may seek to increase their membership and invite non-members to join or come along to meetings, I do not accept that the applicant was threatened with death or kidnapping if he did not join the AL. I do not accept that members or supporters of the AL are

¹ Department of Foreign Affairs and Trade (DFAT), DFAT Country Information Report Bangladesh, 22 August 2019, 20190822132438; 3.83

still searching for the applicant after 11 years (8 of these since he left the country) because they want him to join the AL or because he was a witness to harassment or extortion. I find that these claims are fabrications. I conclude that the applicant was never harmed due to his political opinions or due to supporting JI. I conclude that the applicant was not of adverse interest to members or supporters of the AL prior to his departure from Bangladesh. The applicant has not been in any way politically active in Australia. I consider that on return to Bangladesh he would continue to support the ideologies of JI and express his political opinion as he did before his departure. The applicant has at no point claimed to be of adverse interest to the police or other authorities in Bangladesh and I find he is not.

10. In his statement of claims the applicant asserted that if he were to return to Bangladesh he could not openly practice his religion without being gaoled or killed. At the PV interview the applicant confirmed that he is still a practising Muslim. The delegate asked why he would not be able to practise his faith in Bangladesh and he responded that people cannot pray in peace, there is trouble all of the time. The applicant invited the delegate to look on the internet.

Refugee assessment

11. Section 5H(1) of the Act provides that a person is a refugee if, in a case where the person has a nationality, he or she is outside the country of his or her nationality and, owing to a well-founded fear of persecution, is unable or unwilling to avail himself or herself of the protection of that country; or in a case where the person does not have a nationality—is outside the country of his or her former habitual residence and owing to a well-founded fear of persecution, is unable or unwilling to return to it.

Well-founded fear of persecution

12. Under s.5J of the Act 'well-founded fear of persecution' involves a number of components which include that:
 - the person fears persecution and there is a real chance that the person would be persecuted
 - the real chance of persecution relates to all areas of the receiving country
 - the persecution involves serious harm and systematic and discriminatory conduct
 - the essential and significant reason (or reasons) for the persecution is race, religion, nationality, membership of a particular social group or political opinion
 - the person does not have a well-founded fear of persecution if effective protection measures are available to the person, and
 - the person does not have a well-founded fear of persecution if they could take reasonable steps to modify their behaviour, other than certain types of modification.
13. The applicant is a Bangladeshi national; it follows that Bangladesh is his receiving country. The applicant is not and has never been a member of any political party. Bangladesh is prone to high levels of politically motivated violence, which manifests regularly in the form of violent clashes between supporters of different factions of the same party (intra-party violence), supporters of rival parties (inter-party violence), and between party supporters and law enforcement agencies. Fatalities and serious injuries resulting from these clashes are common. Politically motivated violence tends to peak during periods of heightened political

unrest, including during elections, strikes, and blockades.² The 2014 national elections were reportedly the most violent in Bangladeshi history; the most recent 2018 elections significantly less so.³ I have found that the applicant was and is of no interest to AL members or supporters or the Bangladeshi law enforcement authorities. I have also found that on return to Bangladesh he would continue to support the ideologies of JI as he did prior to his departure. I conclude that the applicant does not face a real chance of harm due to inter-party violence or violence from law enforcement agencies.

14. Country information indicates that over recent years intra-party violence between AL factions has been the most common form of politically motivated violence largely due to the party's complete control over state institutions. This domination has led to competition between rival AL factions and individuals for pre-selection as electoral candidates, and therefore access to, and influence on, processes and outcomes of lucrative contracts, tenders and appointments to senior party positions.⁴ The applicant has never been a member or supporter of the AL therefore this does not apply to him. The country information does not support the conclusion that the applicant would face a real chance of harm from politically motivated violence in Bangladesh, were he to continue to support JI and express his political opinion in the manner he did prior to his departure. I conclude that the applicant does not have a well-founded fear of persecution on the basis of any actual or imputed political opinion.
15. The applicant also claimed in his statement of claims that he will be targeted for harm by his enemies on return, because of a perception that he is wealthy, having spent many years in Australia. While the review material indicates that members of the various political parties' youth and student wings are involved in extortion, the targets appear to be local business owners and land owners.⁵ Bangladesh has a very large diaspora, and tens of thousands of Bangladeshis exit and enter the country each year.⁶ The country information does not support the applicant's claim that returnees to Bangladesh are perceived as wealthy or targeted for harm because of this. The applicant does not face a real chance of harm due to being a returnee from the West.
16. The applicant claims that he will be prevented from practising his religion on return to Bangladesh. Country information indicates that Bangladesh is a majority Muslim country. The CIA World Factbook reports that around 89 per cent of the population is Muslim.⁷ The Constitution commits the state to upholding secularism by not granting political status in favour of any religion, by prohibiting the abuse of religion for political purposes, and by prohibiting discrimination or persecution of persons protecting any religion.⁸ There is nothing in any of the review material that supports the applicant's claim and he has provided no on-line or other articles to support the claim. I am not satisfied that the applicant faces harm in Bangladesh due to being a practising Muslim.
17. Although not raised by the applicant, and although it did not appear to me to be an issue that clearly arose on the materials, the delegate considered whether he faced any chance of harm as a returning failed asylum seeker or due to having departed illegally. I accept from his evidence that the applicant departed Bangladesh without a passport, which country

² DFAT, "DFAT Country Information Report Bangladesh", 22 August 2019, 20190822132438; 3.92

³ Ibid; 3.93

⁴ Ibid; 3.94

⁵ UK Home Office, "Country Policy and Information Note Bangladesh: Opposition to the government", 18 January 2018, OG9EF767910; 8.3.2

⁶ DFAT, "DFAT Country Information Report Bangladesh", 22 August 2019, 20190822132438; 5.29

⁷ Ibid; 3.27

⁸ Ibid; 3.28

information indicates may amount to an offence under the *Emigration Ordinance Act (1982)* (EO Act).⁹ There is no information in any of the material before me to support that the Bangladeshi authorities enforce the EO Act against returning Bangladeshi asylum seekers who left without a passport. I am not satisfied that the applicant faces a real chance of any harm in Bangladesh due to having departed illegally.

18. The International Organization for Migration's Assisted Voluntary Returns and Repatriation program assists Bangladeshi returnees in cooperation with the returning country and the Bangladesh government, Bangladesh accepts both voluntary and involuntary returnees.¹⁰ There is nothing in the material before me indicating any mistreatment of returnee asylum seekers. DFAT assesses that most returnees, including failed asylum seekers, are unlikely to face adverse attention regardless of whether they have returned voluntarily or involuntarily.¹¹ I am not satisfied that the applicant faces a real chance of any harm in Bangladesh on the basis of having made an application for asylum in Australia.

Refugee: conclusion

19. The applicant does not meet the requirements of the definition of refugee in s.5H(1). The applicant does not meet s.36(2)(a).

Complementary protection assessment

20. A criterion for a protection visa is that the applicant is a non-citizen in Australia (other than a person who is a refugee) in respect of whom the Minister (or Reviewer) is satisfied Australia has protection obligations because there are substantial grounds for believing that, as a necessary and foreseeable consequence of the person being removed from Australia to a receiving country, there is a real risk that the person will suffer significant harm.

Real risk of significant harm

21. Under s.36(2A), a person will suffer 'significant harm' if:

- the person will be arbitrarily deprived of his or her life
- the death penalty will be carried out on the person
- the person will be subjected to torture
- the person will be subjected to cruel or inhuman treatment or punishment, or
- the person will be subjected to degrading treatment or punishment.

22. The expressions 'torture', 'cruel or inhuman treatment or punishment' and 'degrading treatment or punishment' are in turn defined in s.5(1) of the Act.

23. I have concluded above that the applicant does not face a real chance of harm on the basis of his actions or views as a JI supporter, due to any actual or imputed political opinion, as a practising Muslim, as a returnee from the West or due to his illegal departure from

⁹ DFAT Country Information Report Bangladesh, 22 August 2019, 20190822132438; 5.25

¹⁰ International Organization for Migration, "Bangladesh", 1 August 2014, CIS29397

¹¹ DFAT Country Information Report Bangladesh, 22 August 2019, 20190822132438; 5.30

Bangladesh. As 'real risk' and 'real chance' involve the application of the same standard,¹² I am equally not satisfied that the applicant faces a real risk of significant harm on return for the purposes of s.36(2)(aa) for these reasons.

Complementary protection: conclusion

24. There are not substantial grounds for believing that, as a necessary and foreseeable consequence of being returned from Australia to a receiving country, there is a real risk that the applicant will suffer significant harm. The applicant does not meet s.36(2)(aa).

Decision

The IAA affirms the decision not to grant the referred applicant a protection visa.

¹² *MIAC v SZQRB* (2013) 210 FCR 505

Applicable law

Migration Act 1958

5 (1) Interpretation

In this Act, unless the contrary intention appears:

...

bogus document, in relation to a person, means a document that the Minister reasonably suspects is a document that:

- (a) purports to have been, but was not, issued in respect of the person; or
- (b) is counterfeit or has been altered by a person who does not have authority to do so; or
- (c) was obtained because of a false or misleading statement, whether or not made knowingly

...

cruel or inhuman treatment or punishment means an act or omission by which:

- (a) severe pain or suffering, whether physical or mental, is intentionally inflicted on a person; or
- (b) pain or suffering, whether physical or mental, is intentionally inflicted on a person so long as, in all the circumstances, the act or omission could reasonably be regarded as cruel or inhuman in nature;

but does not include an act or omission:

- (c) that is not inconsistent with Article 7 of the Covenant; or
- (d) arising only from, inherent in or incidental to, lawful sanctions that are not inconsistent with the Articles of the Covenant.

...

degrading treatment or punishment means an act or omission that causes, and is intended to cause, extreme humiliation which is unreasonable, but does not include an act or omission:

- (a) that is not inconsistent with Article 7 of the Covenant; or
- (b) that causes, and is intended to cause, extreme humiliation arising only from, inherent in or incidental to, lawful sanctions that are not inconsistent with the Articles of the Covenant.

...

receiving country, in relation to a non-citizen, means:

- (a) a country of which the non-citizen is a national, to be determined solely by reference to the law of the relevant country; or
- (b) if the non-citizen has no country of nationality—a country of his or her former habitual residence, regardless of whether it would be possible to return the non-citizen to the country.

...

torture means an act or omission by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person:

- (a) for the purpose of obtaining from the person or from a third person information or a confession; or
- (b) for the purpose of punishing the person for an act which that person or a third person has committed or is suspected of having committed; or
- (c) for the purpose of intimidating or coercing the person or a third person; or
- (d) for a purpose related to a purpose mentioned in paragraph (a), (b) or (c); or
- (e) for any reason based on discrimination that is inconsistent with the Articles of the Covenant;

but does not include an act or omission arising only from, inherent in or incidental to, lawful sanctions that are not inconsistent with the Articles of the Covenant.

...

5H Meaning of refugee

(1) For the purposes of the application of this Act and the regulations to a particular person in Australia, the person is a refugee if the person:

- (a) in a case where the person has a nationality—is outside the country of his or her nationality and, owing to a well-founded fear of persecution, is unable or unwilling to avail himself or herself of the protection of that country; or
- (b) in a case where the person does not have a nationality—is outside the country of his or her former habitual residence and owing to a well-founded fear of persecution, is unable or unwilling to return to it.

Note: For the meaning of *well-founded fear of persecution*, see section 5J.

...

5J Meaning of well-founded fear of persecution

- (1) For the purposes of the application of this Act and the regulations to a particular person, the person has a well-founded fear of persecution if:
 - (a) the person fears being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion; and
 - (b) there is a real chance that, if the person returned to the receiving country, the person would be persecuted for one or more of the reasons mentioned in paragraph (a); and
 - (c) the real chance of persecution relates to all areas of a receiving country.
Note: For membership of a particular social group, see sections 5K and 5L.
- (2) A person does not have a well-founded fear of persecution if effective protection measures are available to the person in a receiving country.
Note: For effective protection measures, see section 5LA.
- (3) A person does not have a well-founded fear of persecution if the person could take reasonable steps to modify his or her behaviour so as to avoid a real chance of persecution in a receiving country, other than a modification that would:
 - (a) conflict with a characteristic that is fundamental to the person's identity or conscience; or
 - (b) conceal an innate or immutable characteristic of the person; or
 - (c) without limiting paragraph (a) or (b), require the person to do any of the following:
 - (i) alter his or her religious beliefs, including by renouncing a religious conversion, or conceal his or her true religious beliefs, or cease to be involved in the practice of his or her faith;
 - (ii) conceal his or her true race, ethnicity, nationality or country of origin;
 - (iii) alter his or her political beliefs or conceal his or her true political beliefs;
 - (iv) conceal a physical, psychological or intellectual disability;
 - (v) enter into or remain in a marriage to which that person is opposed, or accept the forced marriage of a child;
 - (vi) alter his or her sexual orientation or gender identity or conceal his or her true sexual orientation, gender identity or intersex status.
- (4) If a person fears persecution for one or more of the reasons mentioned in paragraph (1)(a):
 - (a) that reason must be the essential and significant reason, or those reasons must be the essential and significant reasons, for the persecution; and
 - (b) the persecution must involve serious harm to the person; and
 - (c) the persecution must involve systematic and discriminatory conduct.
- (5) Without limiting what is serious harm for the purposes of paragraph (4)(b), the following are instances of **serious harm** for the purposes of that paragraph:
 - (a) a threat to the person's life or liberty;
 - (b) significant physical harassment of the person;
 - (c) significant physical ill-treatment of the person;
 - (d) significant economic hardship that threatens the person's capacity to subsist;
 - (e) denial of access to basic services, where the denial threatens the person's capacity to subsist;
 - (f) denial of capacity to earn a livelihood of any kind, where the denial threatens the person's capacity to subsist.
- (6) In determining whether the person has a **well-founded fear of persecution** for one or more of the reasons mentioned in paragraph (1)(a), any conduct engaged in by the person in Australia is to be disregarded unless the person satisfies the Minister that the person engaged in the conduct otherwise than for the purpose of strengthening the person's claim to be a refugee.

5K Membership of a particular social group consisting of family

For the purposes of the application of this Act and the regulations to a particular person (the **first person**), in determining whether the first person has a well-founded fear of persecution for the reason of membership of a particular social group that consists of the first person's family:

- (a) disregard any fear of persecution, or any persecution, that any other member or former member (whether alive or dead) of the family has ever experienced, where the reason for the fear or persecution is not a reason mentioned in paragraph 5J(1)(a); and
- (b) disregard any fear of persecution, or any persecution, that:
 - (i) the first person has ever experienced; or

- (ii) any other member or former member (whether alive or dead) of the family has ever experienced;

where it is reasonable to conclude that the fear or persecution would not exist if it were assumed that the fear or persecution mentioned in paragraph (a) had never existed.

Note: Section 5G may be relevant for determining family relationships for the purposes of this section.

5L Membership of a particular social group other than family

For the purposes of the application of this Act and the regulations to a particular person, the person is to be treated as a member of a particular social group (other than the person's family) if:

- (a) a characteristic is shared by each member of the group; and
- (b) the person shares, or is perceived as sharing, the characteristic; and
- (c) any of the following apply:
 - (i) the characteristic is an innate or immutable characteristic;
 - (ii) the characteristic is so fundamental to a member's identity or conscience, the member should not be forced to renounce it;
 - (iii) the characteristic distinguishes the group from society; and
- (d) the characteristic is not a fear of persecution.

5LA Effective protection measures

- (1) For the purposes of the application of this Act and the regulations to a particular person, effective protection measures are available to the person in a receiving country if:
 - (a) protection against persecution could be provided to the person by:
 - (i) the relevant State; or
 - (ii) a party or organisation, including an international organisation, that controls the relevant State or a substantial part of the territory of the relevant State; and
 - (b) the relevant State, party or organisation mentioned in paragraph (a) is willing and able to offer such protection.
- (2) A relevant State, party or organisation mentioned in paragraph (1)(a) is taken to be able to offer protection against persecution to a person if:
 - (a) the person can access the protection; and
 - (b) the protection is durable; and
 - (c) in the case of protection provided by the relevant State—the protection consists of an appropriate criminal law, a reasonably effective police force and an impartial judicial system.

...

36 Protection visas – criteria provided for by this Act

...

- (2) A criterion for a protection visa is that the applicant for the visa is:
 - (a) a non-citizen in Australia in respect of whom the Minister is satisfied Australia has protection obligations because the person is a refugee; or
 - (aa) a non-citizen in Australia (other than a non-citizen mentioned in paragraph (a)) in respect of whom the Minister is satisfied Australia has protection obligations because the Minister has substantial grounds for believing that, as a necessary and foreseeable consequence of the non-citizen being removed from Australia to a receiving country, there is a real risk that the non-citizen will suffer significant harm; or
 - (b) a non-citizen in Australia who is a member of the same family unit as a non-citizen who:
 - (i) is mentioned in paragraph (a); and
 - (ii) holds a protection visa of the same class as that applied for by the applicant; or
 - (c) a non-citizen in Australia who is a member of the same family unit as a non-citizen who:
 - (i) is mentioned in paragraph (aa); and
 - (ii) holds a protection visa of the same class as that applied for by the applicant.
- (2A) A non-citizen will suffer **significant harm** if:
 - (a) the non-citizen will be arbitrarily deprived of his or her life; or
 - (b) the death penalty will be carried out on the non-citizen; or
 - (c) the non-citizen will be subjected to torture; or
 - (d) the non-citizen will be subjected to cruel or inhuman treatment or punishment; or
 - (e) the non-citizen will be subjected to degrading treatment or punishment.

- (2B) However, there is taken not to be a real risk that a non-citizen will suffer significant harm in a country if the Minister is satisfied that:
- (a) it would be reasonable for the non-citizen to relocate to an area of the country where there would not be a real risk that the non-citizen will suffer significant harm; or
 - (b) the non-citizen could obtain, from an authority of the country, protection such that there would not be a real risk that the non-citizen will suffer significant harm; or
 - (c) the real risk is one faced by the population of the country generally and is not faced by the non-citizen personally.

...

Protection obligations

- (3) Australia is taken not to have protection obligations in respect of a non-citizen who has not taken all possible steps to avail himself or herself of a right to enter and reside in, whether temporarily or permanently and however that right arose or is expressed, any country apart from Australia, including countries of which the non-citizen is a national.
- (4) However, subsection (3) does not apply in relation to a country in respect of which:
- (a) the non-citizen has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion; or
 - (b) the Minister has substantial grounds for believing that, as a necessary and foreseeable consequence of the non-citizen availing himself or herself of a right mentioned in subsection (3), there would be a real risk that the non-citizen will suffer significant harm in relation to the country.
- (5) Subsection (3) does not apply in relation to a country if the non-citizen has a well-founded fear that:
- (a) the country will return the non-citizen to another country; and
 - (b) the non-citizen will be persecuted in that other country for reasons of race, religion, nationality, membership of a particular social group or political opinion.
- (5A) Also, subsection (3) does not apply in relation to a country if:
- (a) the non-citizen has a well-founded fear that the country will return the non-citizen to another country; and
 - (b) the Minister has substantial grounds for believing that, as a necessary and foreseeable consequence of the non-citizen availing himself or herself of a right mentioned in subsection (3), there would be a real risk that the non-citizen will suffer significant harm in relation to the other country.

Determining nationality

- (6) For the purposes of subsection (3), the question of whether a non-citizen is a national of a particular country must be determined solely by reference to the law of that country.
- (7) Subsection (6) does not, by implication, affect the interpretation of any other provision of this Act.