



**Australian Government**  
**Immigration Assessment Authority**

**Decision and Reasons**

**Referred application**

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IRAN

IAA reference: IAA18/04510

Date and time of decision: 27 September 2018 14:54:00

C Wilson, Reviewer

**Decision**

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The IAA remits the decision for reconsideration with the direction that:

- the referred applicant is a refugee within the meaning of s.5H(1) of the *Migration Act 1958*.

*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 an referred applicant, or their relative or other dependant.*

## Background to the review

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### Visa application

1. The referred applicant (the applicant) claims to be a Kurd from Iran who has converted to Christianity since arriving in Australia. He arrived in Australia [in] March 2013 as an unauthorised maritime arrival. On 20 April 2016 he lodged an application for a Safe Haven Enterprise Visa (SHEV).
2. A delegate of the Minister for Immigration (the delegate) refused the application on 2 March 2018. The delegate did not accept the applicant was a Christian convert. The delegate found the applicant did not have a real chance or real risk of harm on account of his ethnicity, for being a non-practicing Muslim, or for being a failed asylum seeker returning from the West.

### 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).
4. The applicant's representative provided a three page submission addressing the delegate's decision. In particular the representative submitted the applicant's conversion to Christianity was genuine and was done for reason other than strengthening his refugee claims. The representative asked that more weight be given to the letters of support from the pastor.
5. I have obtained recent country information on the treatment of Christian converts in Iran, in the form of the most recent Department of Foreign Affairs and Trade (DFAT) *Country Information Report Iran*<sup>1</sup> and the UK Home Office *Country Policy and Information Note Iran: Christians and Christian Converts*<sup>2</sup>. The information is more recent than the 2016 DFAT *Country Information Report Iran* that was before the delegate. I am satisfied there are exceptional circumstances to justify considering this new information as I have reached a different conclusion to the delegate on the genuineness of the applicant's conversion.

### Applicant's claims for protection

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6. The applicant's claims can be summarised as follows:
  - He is an Iranian citizen of Kurdish ethnicity and from a Shia Muslim family. His parents were stateless Farsi Kurds expelled from Iraq, but they were able to obtain citizenship in Iran for their children. He grew up and lived in a village in Ilam province, western Iran.
  - Around [year] the applicant's [Relative A] was injured in a motorcycle accident from which he never regained consciousness. [This relative] consequentially died in [year]. The applicant blames the Iranian authorities for the suffering his family endured during those [number] years without any financial or other support.
  - The applicant is opposed to the Iranian government for their use of strict Islamic rules to oppress people. He claims to have been detained on three occasions. He was detained for wearing clothing that was considered un-Islamic, and for drinking alcohol

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<sup>1</sup> DFAT *Country Information Report Iran*, 7 June 2018, CIS7B839411226 (DFAT report)

<sup>2</sup> UK Home Office *Country Policy and Information Note Iran: Christians and Christian Converts*, March 2018, OG9EF767914 (Home Office report)

and mixing socially with girls. On one occasion he was flogged. He was warned on the third occasion that the consequences would be more severe if he was detained again.

- He decided to leave Iran because he had a lot of anger towards the government and feared being detained again. He fears returning to Iran as a failed asylum seeker.
- In Iran he was a non-practising Muslim. In 2016 he converted to Christianity. He fears he will be punished severely for apostasy if he returns to Iran.

## **Refugee assessment**

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7. 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**

8. 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.
9. I accept the applicant is a citizen of Iran and that his parents and siblings remain in Ilam, Iran. I find Iran is his receiving country and Ilam is his home area and the area to which he would return.
10. The applicant claims to have converted to Christianity in early 2016. The delegate considered this conversion was not genuine given the timing and swiftness of the conversion, and the generality of the applicant’s statements about what it meant to him to be Christian.
11. The delegate appropriately noted that the applicant’s conversion appeared to occur around the time the applicant was invited to apply for the SHEV. In considering whether his conversion to Christianity was genuine, I have also considered whether the applicant converted for a reason otherwise than to strengthen his claim to be a refugee, pursuant to s.5J(6).

12. The applicant claims the timing of the conversion was not due to the SHEV application but occurred in the context of a depressive period around the time of the anniversary of his [relative's] death. He claims that at that time he was sharing a house with Iranians who had already converted or were interested in Christianity, and they invited him to come to church with them to help him with his sadness. Following the SHEV interview, where concerns about the timing of the conversion were raised, the representative provided a report from [a named psychologist]. [The psychologist] states that he saw the applicant 6 times between March and July 2016 and that the applicant was referred to him for ongoing depression. I accept this as corroborative evidence that the applicant was suffering depression in early 2016 when he started attending church. I accept as plausible the applicant's claim that he became interested in Christianity because it gave him comfort and peace at a time when he was mentally unwell.
13. The applicant was asked at the SHEV interview<sup>3</sup> to talk about what Christianity meant to him. He did not give detailed responses demonstrating deep knowledge of Christianity, but emphasised that for him it is the peace and forgiveness he has found in Christianity that made him want to convert. I note the interviewer did not test the applicant on his knowledge of the Bible, and it may be the applicant could have demonstrated greater knowledge of it than he did. The applicant claimed to attend church every Sunday and to have a Farsi translation of the New Testament which he read. He was baptised [in] April 2016 and continued to receive communion, but only about once a month. The interviewer at the SHEV interview was concerned by this evidence, as they believed communion would be given at mass every week and for this reason doubted the applicant was regularly attending a church service. I consider however the applicant's responses were not inconsistent with the Protestant church services he was attending. I note the differences between Catholic services, who do hold a mass with communion, and Protestant church services, where some do not even have communion and some do but less frequently than a Catholic mass. The interviewer was also concerned the applicant<sup>3</sup> could not name the pastor at the church he currently attended.
14. I have considered the two letters to the Department from [Pastor A]. [Pastor A] gave some background in his letter dated [in] July 2017 as to how he came to know the application. He states that he is a retired [denomination] Minister who began working with a group of Iranians at his home who wished to learn about Christianity. As he did not speak Farsi, he arranged an Iranian friend to assist with interpreting. He started meeting with a group of 4 and that group grew to over 30 adults plus some children. Many, but not all, of this group went on to get baptised and continue to attend churches, either his or other churches. When the group grew too big for his home he rented a building and named it [Church 1]. As the rent became unaffordable he temporarily moved the group back to his home in January 2017, before later joining with another church.
15. [Pastor A] states he first met this applicant in early 2016 when the applicant attended the [Church 1] with a group of men. The group were interested in learning about Christianity, so [Pastor A] recommended they do a 7 unit course taught in Farsi. After completing this course [Pastor A] baptised the applicant in April 2016. The applicant told him he had reservations about Islam when he lived in Iran and had been visited by the police on two occasions because of this. The applicant told him it was no problem for him to renounce Islam and accept Christianity in its place, because of his reservations about the teachings of Mohammed. [Pastor A] said the applicant was a regular member of the church and he believed he was sincere.

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<sup>3</sup> I note the interviewer was not the delegate who made the decision.

16. [Pastor A] wrote a second letter to the Department after the applicant had his SHEV interview. [Pastor A] stated he wanted to clarify some of the issues the applicant told him had been raised. Firstly, he clarified that in their church communion was not served weekly but that he had served it monthly. He confirmed he had personally served communion on the applicant on several occasions. [Pastor A] also said that around July 2017 he had merged his group with [Church 2]. This was done for several reasons, including a desire to introduce his Iranian group to a broader community of Australian Christians. That the applicant could not name the pastor of [Church 2] should not be taken as an indication he did not attend, but was due to the fact the applicant still considered [Pastor A] as his pastor. [Pastor A] said the Iranian group still spend some time at [Church 2] service in a separate room with him and an interpreter for bible teaching. [Pastor A] stated the applicant has always been a regular attendee at services and bible study since he first met him. Based on his interaction, he believes the applicant has become a genuine Christian.
17. I have considered the written claims, the SHEV interview, and the references from the Pastor, [named]. I am satisfied that notwithstanding the coincidence of the timing with the invitation for the SHEV application, that the applicant did attend church with his friends because he feeling depressed and did engage with Christianity because he found it helpful. I am therefore satisfied that the engaged in the conduct of exploring and converting to Christianity otherwise than for the purpose of strengthening his claim to be a refugee. I find I cannot disregard the references of [Pastor A], who has known the applicant for over 18 months and had personal involvement in the applicant's conversion and ongoing engagement with Christianity. I consider it significant that [Pastor A] wanted to write the second letter to the Department, and find it indicates he maintained close contact with the applicant, who clearly discussed the interview with him. I give these references considerable weight in accepting the applicant has genuinely converted to Christianity.
18. I have had regard to the country information before the delegate, and new country information referred to above, on the treatment of Christian converts in Iran.
19. In Iran 98% of the population identify as Muslim. DFAT describes Iran as a theocracy that mixes religion and state more completely than almost any other country in the world. There is pervasive structural discrimination against religious minorities. The Islamic Revolutionary Guards Corps, the Ministry of Culture and Islamic Guidance, and the Ministry of Intelligence and Security all monitor religious activity in Iran. Under Iranian law a Muslim that leaves the faith or converts to another religion can be charged with apostasy. Although the Iranian Penal Code does not criminalise apostasy, sharia law is applied in such cases. Most Islamic judges in Iran treat apostasy as a capital crime. Death sentences are rare, however a death sentence for a 21 year old charged with apostasy was upheld by the Iranian Supreme Court in March 2017. DFAT notes the charge of apostasy is often politically motivated, but those charged with it are unlikely to be adequately defended and are likely to be convicted.<sup>4</sup>
20. DFAT reports the small number of Christian churches operating in Iran, to cater for expatriates, are prohibited from ministering to Iranians. The authorities have closed several churches in recent years for failing to comply with restrictions, which include no services in Farsi and the need to perform identity checks on persons attending services. Iranian Christians and converts therefore practice their faith in underground or house churches. These are seen by the authorities as a threat to national security and there are periodic crackdowns on underground churches. There were estimates as at December 2016 that around 90 Christians were in detention or awaiting trial because of their religious activities.

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<sup>4</sup> DFAT report

DFAT concludes however that Christian converts were unlikely to face adverse attention from authorities upon returning to Iran provided they had not come to the attention of the authorities previously for political activities, and on return they maintain a low profile and do not engage in proselytization or political activity.<sup>5</sup>

21. The UK Home Office states there are reports of some Christian converts facing physical attacks, harassment, threats, surveillance, arrest, detention, as well as torture and ill-treatment in detention. The report state that Christians who practice discreetly, without any public expression of their faith, may not be at risk. However the following activities could attract the attention of the authorities: any kind of gathering; sharing the gospel; possessing more than one Bible; studying theology; contact with Christian organisation; attending Christian conferences or seminars; or hosting or even attending house churches. Iranians who convert to Christianity outside of Iran are viewed as more of a threat to the Iranian regime.
22. I accept the applicant has converted from Islam to Christianity. I accept he openly practices his faith in Australia by attending church services and would want to do the same in Iran. Having regard to the DFAT and UK Home Office reports I find the applicant would not be free to publicly engage in Christianity, or attend underground churches. I note DFAT states a Christian convert with a low profile may not face a risk, but according to the UK Home Office even attending a religious gathering or house church are activities that attract attention. I find the applicant would seek to attend religious services as he has been doing in Australia, and that even this behaviour would give him a profile higher than 'low profile'. I find his practice of Christianity in Iran could expose him to a real chance of harassment, official sanctions, or physical harm. I consider the nature of the harm he may face amounts to serious harm because it includes significant physical harassment and ill-treatment. I accept the essential and significant reason for this persecution would be his religion, and that it involves systematic and discriminatory conduct.
23. I have considered whether the applicant could take reasonable steps to modify his behaviour to avoid a real chance of persecution. In this case that would require the applicant to conceal or renounce his religious beliefs, practice in private, and not attend any church services. I find however these amount to modifications that cannot be required under s.5J(3)(c)(i). I find the applicant cannot be expected to renounce or conceal his religion to avoid persecution.
24. I have considered whether the applicant can access effective protection in Iran. I find however the State cannot offer him protection in circumstances where the Iranian authorities are the agent of persecution. There is no evidence before me of any non-state party or organisation in Iran that could offer the applicant effective protection. Similarly, as the Iranian authorities are the agents of harm, I find the real chance of persecution relates to all areas of Iran.
25. I find the applicant's fear or persecution for reason of his religion is well-founded. Given this finding it has not been necessary to consider his other claims.

### **Refugee: conclusion**

26. The applicant meets the requirements of the definition of refugee in s.5H(1).

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<sup>5</sup> DFAT report

## Decision

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The IAA remits the decision for reconsideration with the direction that:

- the referred applicant is a refugee within the meaning of s.5H(1) of the *Migration Act 1958*.

## Applicable law

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### ***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.