

CASE LAW COVER PAGE TEMPLATE

Name of the court ¹ (English name in brackets if the court's language is not English): Myanmar: Supreme Court of the Union	
Date of the decision:	dd /mm / yyyy 1957
Case number: ²	B. L. R. 25 S. C
Parties to the case: <i>Mohamed Rahu Amin Vs. The Union of Burma</i>	
Decision available on the internet? <input checked="" type="checkbox"/> Yes (but only extracts) <input type="checkbox"/> No If yes, please provide the link: http://www.burmalibrary.org/docs13/Verma-Foreigners.pdf at p. 160 [accessed 23 October 2013] (If no, please attach the decision as a Word or PDF file):	
Language(s) in which the decision is written: Burmese	
Official court translation available in any other languages? <input checked="" type="checkbox"/> Yes (but only extracts) <input type="checkbox"/> No (If so, which): extracts in English	
Countr(y)(ies) of origin of the applicant(s): Myanmar	
Country of asylum (or for cases with statelessness aspects, country of habitual residence) of the applicant(s): Myanmar	
Any third country of relevance to the case: ³ Pakistan	
Is the country of asylum or habitual residence party to:	
The 1951 Convention relating to the Status of Refugees <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Relevant articles of the Convention on which the decision is based:
(Only for cases with statelessness aspects) The 1954 Convention relating to the Status of Stateless Persons <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Relevant articles of the Convention on which the decision is based:
(Only for cases with statelessness aspects) The 1961 Convention on the Reduction of Statelessness <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Relevant articles of the Convention on which the decision is based:
(For AU member states): The 1969 OAU Convention governing the specific aspects of refugee problems in Africa <input type="checkbox"/> Yes <input type="checkbox"/> No	Relevant articles of the Convention on which the decision is based:
For EU member states: please indicate which EU instruments are referred to in the decision	Relevant articles of the EU instruments referred to in the decision:

Topics / Key terms: (see attached 'Topics' annex):

Citizenship / Nationality law, Proof of nationality

Key facts (max. 200 words)

Mohamed Rahu Amin was granted visa and he entered the Union of Burma holding a Pakistani passport issued in 1955. As he exceeded the period restricted for his stay in the Union of Burma, he was prosecuted and convicted under section 13(1) of the Burma Immigration (Emergency Provisions) Act and was ordered to leave the country under section 7(1) of the said Act. He contended that his maternal grandmother Daw May belonged to the indigenous Burmese race and he was therefore a citizen of the Union under section 11(ii) of the Constitution and that the provisions of section 7(1) of the Burma Immigration (Emergency Provisions) Act did not therefore apply to him.

Key considerations of the court (translate key considerations (containing relevant legal reasoning) of the decision; include numbers of relevant paragraphs; do not summarize key considerations) [max. 1 page]

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Relying on sub-sections (1) and (3) of section 14A of the Union Citizenship Act, the Supreme Court dismissed his application for a writ holding that even if the facts stated by the applicant were true, he had ceased to be a citizen of the Union on his own showing because he failed to renounce his foreign (Pakistani) citizenship on or before 1st April 1955 and because he had obtained a Pakistani passport after the 1st day of April 1955.

Other comments or references (for example, links to other cases, does this decision replace a previous decision?)

Other cases to look at:

Hasan Ali v. Union of Burma, Supreme Court Criminal Miscellaneous Cases No. 155 & 156 of 15, extracts available at: <http://www.burmalibrary.org/docs13/Verma-Foreigners.pdf> at pp. 78 and 121 [accessed 23 October 2013]

U Sin Koi v. U San Win, The Burma Gazette 1958, Pt I Page 478, extracts available at: <http://www.burmalibrary.org/docs13/Verma-Foreigners.pdf> at pp. 120 and 158 [accessed 23 October 2013]

Gulbahar v. The Union of Burma, 1965 B. L. R. (C.C.) 811

Peer Mohamed v. Union of Burma, 1965 B. L. R. (C.C.) 51

EXPLANATORY NOTE

1. Decisions submitted with this form may be court decisions, or decisions of other judicial, quasi-judicial and administrative bodies.
2. Where applicable, please follow the court's official case reference system.
3. For example in situations where the country of return would be different from the applicant's country of origin.

For any questions relating to this form, please contact the RefWorld team at the address below.

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