



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-004226
On appeal from: DC/50016/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 09 November 2023

Before

MRS JUSTICE HILL DBE
(sitting as a judge of the Upper Tribunal)

UPPER TRIBUNAL JUDGE GLEESON

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

And

K C (ALBANIA)
(ANONYMITY ORDER MADE)

Respondent

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the claimant has been granted anonymity, and is to be referred to in these proceedings by the initials K C. No-one shall publish or reveal any information, including the name or address of the claimant, likely to lead members of the public to identify him.

Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

1. The Secretary of State appealed against the decision of the First-tier Tribunal allowing the claimant's appeal against a deprivation of citizenship order made pursuant to section 40 of the British Nationality Act 1981. He was a citizen of Albania who had obtained refugee status and later British citizen status in a false Kosovan identity.
2. By a decision sent to the parties on 1 March 2023, we found an error of law by the First-tier Tribunal and set aside the First-tier Tribunal decision for

remaking in the Upper Tribunal. In our decision we recorded that the claimant had terminal cancer, a gastrointestinal stromal tumour which had metastasised to his liver. He was in daily pain and no longer able to tolerate chemotherapy. Further medical evidence would be required for the remaking hearing and we gave appropriate directions.

3. Medical evidence was made available directly to the Secretary of State by the claimant's solicitors. In July 2023, the claimant was issued with a British passport and travelled to Albania to visit his mother. While he was there, in August 2023, the claimant sadly died.
4. The Secretary of State notified the Upper Tribunal of his death on 18 October 2023, having on 9 October 2023 received from Mr David Howe of the claimant's solicitors the following email addressed to Ms Susana Cunha, who represented the Secretary of State at the hearing before us:

"Dear Susana

Your passport office issued my client with his British passport in July. He returned to see his mother in Albania and he died there in August from the cancer that he had been suffering from.

You can close your file now.

Yours sincerely,

David Howe"

5. Following the death of the claimant, there is no need now for this decision to be remade. We therefore vary the decision made following the error of law hearing. There is no living claimant and no merit in the appeal decision being remade.
6. We maintain the anonymity direction, because the claimant still has minor children in the UK.

Decision

7. The making of the Decision of the First-tier Tribunal did involve the making of an error on a point of law and has been set aside.
8. We vary our decision of 1 March 2023. There is no longer any need to remake the First-tier Tribunal decision.
9. The First-tier Tribunal decision therefore stands.

Judith A J C Gleeson

Judge of the Upper Tribunal
Immigration and Asylum Chamber
Dated: 6 November 2023