IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-002193

First-tier Tribunal No:
DC/00029/2020

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 30 December 2024

Before

UPPER TRIBUNAL JUDGE MANDALIA

Between

PG
(ANONYMITY DIRECTION MADE)

Appellant

and

Secretary of State for the Home Department

Respondent

REPRESENTATION

For the Appellant: Mr A Metzer KC and Mr G Symes, instructed by Gulbenkian Andonian Solicitors
For the Respondent: Mr N Wain, Senior Home Office Presenting Officer

Heard at Field House on 2 October 2024

DECISION AND REASONS

INTRODUCTION

1. The appellant arrived in the United Kingdom in April 2005 and claimed to have been born in Pristina, Kosovo. He was recognised as a refugee by the respondent in March 1997 and granted indefinite leave to remain in the UK on 11 May 2000. He was naturalised as a British citizen on 4 February 2004.

2. The respondent received information from another Government department that the appellant was in fact born in Shkoder, Albania. That was supported by a copy the appellant's original Albanian birth certificate. On 18 October 2019 the respondent wrote to the appellant informing him the respondent believed he had obtained his status as a British citizen as a result of fraud. The respondent invited a response from the appellant. The appellant's representatives responded on 25 November 2019 and candidly accepted the appellant had left Albania as a young man in search of a better life given Albania's failing economy. They provided information about the appellant's family in the UK and of the business that he has established.

3. Having considered the representations made on behalf of the appellant, on 26 February 2020 the respondent served notice of a decision to deprive the appellant of British citizenship under s40(3) of the British Nationality Act 1981.

4. The appellant's appeal against the decision was dismissed by First-tier Tribunal ("FtT") Judge Spicer ("the judge") for reasons set out in a decision promulgated on 8 February 2023.

THE APPEAL TO THE UPPER TRIBUNAL

5. In summary, the appellant claims the judge erred on three grounds:

   i) The judge failed to take into consideration relevant factors within the proportionality assessment including the appellant's length of residence in the UK. The judge considered the question of 'delay', but failed to deal with the appellant's length of residence, which was one of the central factors for consideration. *(Ground 1)*

   ii) The judge erred in treating the weight to be given to the public interest as fixed when assessing proportionality. The appellant claims the judge failed to consider key factors such as the effluxion of time since the appellants false statement in his application for naturalisation, the seriousness of the fraud and the remorse shown by the appellant. *(Ground 2)*

   iii) The judge erred in the approach taken to the appellant's medical evidence. The judge omitted to have regard to the core and most important finding of the medical expert. That is, the impact of deprivation of citizenship on the appellant's mental health. The judge erroneously attached little weight upon the expert evidence of Dr Cordwell based upon mistake as to the way in which the assessment was carried out and erred in having regard to the absence of GP records when the appellant accepted he had never consulted his GP about his mental health.

6. Permission to appeal was granted by Upper Tribunal Judge Owens on 28 November 2023. She said:

> "It is at least arguable that, when considering the proportionality of deprivation of citizenship, the judge erred by failing to take into account the appellant's length of residence in the UK in conjunction with other factors such as his age on arrival, the seriousness of the fraud and his remorse. The grounds in relation to the medical evidence are weaker but all grounds are arguable."

DECISION

7. I take each of the grounds of appeal in turn. On behalf of the appellant, I have a skeleton argument settled by Mr Metzer KC and Mr Symes. The respondent has also filed a skeleton argument settled by Mr Wain. The appellant has provided a consolidated bundle. I heard submissions from both Mr Metzer KC and Mr Wain, which are a matter of record. In reaching my decision I have had regard to the submissions both in writing and at the hearing before me although I have not found it necessary to refer to each and every point which they raised. Mr Metzer KC submits that there is some overlap in the grounds but on analysis they establish an error of law in the decision of the FtT either cumulatively or in isolation.

8. The legal framework is uncontroversial. Section 40(3) of the BNA 1981 therefore provides that the respondent may by order deprive a person of a citizenship status which results from his registration or naturalisation if the Secretary of State is satisfied that the registration or naturalisation was obtained by means of – (a) fraud, (b) false representation, or (c) concealment of a material fact. On appeal, the Tribunal must establish whether one or more of the means described in subsection 3(a), (b) and (c) were used by the appellant in order to obtain British citizenship. The provision has a rational objective, which is to instil public confidence in the nationality system by ensuring any abuse is tackled and dealt with accordingly. The objective is sufficiently important to justify limitation of fundamental rights in appropriate cases.

9. I remind myself of what was said by the House of Lords in *SSHD v AH (Sudan)* [2007] UKHL 49[2008] 1 AC 678 and by the Supreme Court in *Perry v Raleys Solicitors* [2019] UKSC 5; [2020] AC 352. The FtT is a specialist body, tasked with administering a complex area of law in challenging circumstances. It is likely that, in doing so, it will have understood and applied the law correctly. Appellate judges should not rush to find misdirection merely because the judge at first instance might have directed themselves more fully or given their reasons in greater detail. There is a real rationale for the deference which an appellate court will display towards a trial judge's findings of fact, and proper restraint must be exercised before deciding to interfere with such findings.

10. Here, it is uncontroversial that the appellant's naturalisation as a British citizen was obtained by means of false representation. The judge found:

> "54. I find on all the evidence that the Appellant acquired his British nationality having knowingly maintained his false nationality at his asylum

> interview, and in his applications for travel documents, for indefinite leave to remain and for naturalisation as a British citizen.
>
> 55. It follows, therefore, that the Secretary of State was entitled to be satisfied that the condition precedent in section 40(3) of the 198 Act was satisfied."

11. The Court of Appeal has been clear: deprivation of citizenship status will be the ordinary consequence of the statutory condition to s40(3) being made out: *Laci v SSHD* [2021] EWCA Civ 769.

GROUND 1:

Failure to take into consideration relevant factors within the proportionality assessment

12. The appellant refers to paragraph [55.7.6] of the Home Office's Deprivation and Nullity of British Citizenship guidance ("the Chapter 55 Guidance"), which provides that: *"Length of residence in the UK alone will not normally be a reason not to deprive a person of their citizenship".* The appellant claims the judge used an alternative form of word at paragraph [74] of the decision:

> "…Length of residence alone is not a reason not to deprive a person of their citizenship."

13. The appellant claims the guidance makes plain that whilst length of residence alone is not normally a reason not to deprive, that (a) length of residence in combination with other factors can amount to a reason not to deprive; and/or (b) length of residence alone can, in some circumstances (albeit "not normally") amount to a reason not to deprive. Mr Metzer KC submits that on any view, the length of residence is a factor which must be weighed alongside others in the proportionality assessment. However the judge failed to have regard to the appellant's length of residence in the UK, but simply proceeds upon the premise that the length of the appellant's residence cannot assist him. The length of residence, taken together with other relevant factors are capable of establishing that the deprivation of citizenship is not proportionate and the Tribunal cannot be satisfied that the judge would have reached the same conclusion had the judge had proper regard to the appellant's length of residence.

14. Mr Wain accepts that the length of a person's residence in the UK is a relevant factor but submits it is relevant when considering whether there has been a prolonged and unexplained delay by the respondent in reaching a decision to deprive a person of their citizenship. He refers to the decision of the Court of Appeal in *Laci* and submits that although the length of residence is a relevant factor, 'something more' is required. Length of residence is often a feature in appeals such as this, and it cannot on its own be the 'something more' that the judge was looking for.

15. I reject the claim that the judge failed to have regard to the appellant's length of residence, as a relevant factor. Although I accept that the

Chapter 55 Guidance does not go as far as to say that length of residence alone can never be a reason to deprive a person of their citizenship, it is clear that it will '*not normally'* be a reason. The circumstances in which length of residence alone will be sufficient not to deprive a person of their citizenship will be extremely rare. In *KV Sri Lanka) v SSHD* [2018] EWCA Civ 2483, Leggatt LJ said:

> "Where, as in the present case, it is established not only that deception was used but that, without it, an application for naturalisation as a citizen would not have been granted, it seems to me that it will be an unusual case in which the applicant can legitimately complain of the withdrawal of the rights that he acquired as a result of naturalisation. That is because the withdrawal of those rights does no more than place the person concerned in the same position as if he had not been fraudulent and had acted honestly in making the application. The position may be different, however, in a case where, as a result of naturalisation, the individual has lost other rights previously enjoyed which will not or may not be restored if he is now deprived of his citizenship. In such a case depriving the person of citizenship will not simply return him to the *status quo ante* but will place him in a <u>worse</u> position than if he had not been granted citizenship in the first place"

16. The Court of Appeal confirmed in *KV (Sri Lanka)* that where, as here, the condition precedent is established the Tribunal must first determine the reasonably foreseeable consequences of deprivation. The judge summarised the appellant's case at paragraphs [22] to [35] of the decision. There can be no doubt that the judge was aware of the appellant's immigration history which is summarised at paragraphs [38] to [44] of the decision. The judge considered the reasonably foreseeable consequences of the respondent's decision to deprive the appellant of citizenship. The judge accepted the appellant would be unable to work for a period and would be left in 'limbo' during the period within which the respondent makes a further decision to either remove him from the UK or to issue some form of leave. In summary, the judge found that the appellant had been selective about the evidence regarding the income available to the family. The judge found that the appellant's brother, who is a co-Director of Abbey Autos Centre Ltd, could take over the appellant's role in the business on a short-term basis. The judge found the appellant's adult daughter could obtain employment to support herself and rejected the appellant's evidence that he has no savings. Those findings are not challenged.

17. It is against that background that the judge went on to consider the appellant's Article 8 claim and whether depriving the appellant of British citizenship would constitute a disproportionate interference with those rights.

18. The judge here clearly recognised that the length of residence has a bearing on the assessment of the Article 8 claim. As Mr Metzer KC submits, the judge noted at paragraph [74] that 'length of residence alone is not a reason to deprive a person of their citizenship'. Although the judge did not use the same form of words as set out in the Chapter 55 Guidance, when

one reads paragraphs [74] to [76] of the decision together, it is clear that the judge had in mind the correct approach to the evidence.

19. In *Laci*, the Court of Appeal considered the Secretary of State's "Nationality Instructions" which read: "Length of residence in the UK alone will not normally be a reason not to deprive a person of their citizenship.". The Court said again that it will be unusual for a migrant to be able to mount a sufficiently compelling case to justify their retaining an advantage that they should never have obtained in the first place. In *Laci*, there had been an unexplained and extraordinary delay of nine years by the secretary of state that meant that the appellant had been entitled to believe that his citizenship was no longer in question. The fact that it would have been unlawful for his employer to continue to employ him if he were deprived of citizenship also carried weight in the overall assessment. It was in that context that the length of residence was relevant. *Laci's* residence in the UK had continued during a significant period of time when he was entitled to believe that his citizenship was no longer in question. As Mr Wain submits, no such delay occurred here. Furthermore, on the evidence before the FtT, the appellant was unable to point to any other rights that he previously enjoyed which will not or may not be restored if he is now deprived of his citizenship. For example, he does not say that with the passage of time during his residence in the UK, he would now find himself to be stateless such that the length of residence in the UK carries particular significance.

20. It follows that in my judgment there is no merit to the first ground of appeal.

GROUND 2

Treating the weight to be given to the public interest as fixed when assessing proportionality

21. The appellant claims that in reaching the decision the judge failed to have regard to: (i) the seriousness of the fraud, and (ii) the remorse expressed by the appellant. The public interest assessment must be carried out by reference to all the surrounding circumstances rather that in a vacuum. Mr Metzer KC refers to s117B of the Nationality, Immigration and Asylum Act 2002 as an example of a statutory framework for the consideration of the public interest, but that is not to say that they are the only relevant factors. Mr Metzer again refers to the Chapter 55 Guidance in which the respondent states:

> "You must look at the case in the round, taking into account the seriousness of the fraud, the nature of the evidence, and what information was available to the decisionmaker at the time they considered the application for citizenship."

22. Mr Metzer KC submits the judge should have regard to a number of relevant factors including the seriousness of the fraud perpetrated by the appellant, his age at the relevant time, the background to his arrival in the

UK and the effluxion of time. The appellant is a father and employer who is particularly embarrassed by a mistake that he made several years ago. He submits they are matters that must be weighed in the balance but none of those matters were considered by the Judge. He submits I cannot be satisfied that the appeal would have been dismissed if those factors had been considered.

23. In reply, the respondent refers to the judgement of Underhill LJ in *Laci* in which he cited with approval paragraph [110] of the judgement of the Upper Tribunal in *Hysaj (Deprivation of Citizenship: Delay)* [2020] UKUT 128 (IAC), referring to the "heavy weight to be placed upon the public interest in maintaining the integrity of the system by which foreign nationals are naturalised and permitted to enjoy the benefits of British citizenship.". Mr Wain submits that although the appellant was 18 years old when he arrived in the UK, he maintained the fraud into adulthood and was 26 years old when he applied for naturalisation as a British citizen. The expression of remorse, Mr Wain submits, does not diminish the public interest.

24. I reject the claim that the judge treated the public interest as fixed when considering whether the decision is proportionate. The judge referred to the appellant's case at paragraphs [22] to [35]. The judge referred to the appellant's claim that he very much regrets the error he made in providing a false identity and nationality, and the remorse expressed by the appellant at paragraphs [23] and [35] of the decision. The judge referred to the context in which the appellant left Albania at paragraph [24] of his decision. The also judge referred to the ties and familial connections the appellant has established. The judge properly addressed the reasonably foreseeable consequence of deprivation of citizenship and as I have already said, accepted the appellant would be unable to work for a period and would be left in 'limbo' during the period within which the respondent makes a further decision to either remove him from the UK or to issue some form of leave.

25. The Court of Appeal in *Laci* said, at [37 & 73], that it would only be in the most compelling circumstances that it would be right for the benefits of British citizenship to be retained notwithstanding the individual's resort to dishonesty in the course of acquiring it. The inherent public interest in maintaining the integrity of British nationality laws in the face of attempts to subvert it through dishonest conduct, and also to maintain public confidence in the naturalisation process itself, must be a very strong one.

26. Obtaining refugee status and the benefits that flow from that, including in the long term, British citizen, by dishonest conduct or false misrepresentations is on any view serious because it strikes at the heart of the United Kingdom's immigration, asylum and nationality laws. It is therefore unsurprising that the courts have repeatedly said that the inherent public interest in the deprivation of citizenship is a strong one. Recognising the strong public interest, at paragraph [73] of the decision the judge properly said:

> "I pay due regard to "the inherent weight that will normally lie on SSHD's side of the scales in the Article 8 balancing exercise, given the importance of maintaining the integrity of British nationality law in the face of attempts by individuals to subvert it by fraudulent conduct": Ciceri para. 38(4)."

27. The judge was not required to repeat everything that had been said before when she recited the evidence, set out her findings and considered the reasonably foreseeable consequences of deprivation of citizenship. It is my judgement clear that in reaching the decision the judge had in mind all relevant factors. The appellant claimed in his representations to the respondent that he was 18 when he arrived in the UK, and that whilst he was legally a minor, he was for all intents and purposes a child. Mr Metzer KC submits that is not addressed by the judge. The difficulty for the appellant is that although he was 18 when he arrived in the UK, the appellant maintained his fraud into adulthood for several years. A judge is not required to address every representation made. The appellant expressed remorse after he had become aware that the respondent had reason to believe that he obtained his status as a British citizen as a result of fraud. Any failure by the judge to recite the evidence and findings was immaterial to the outcome of the appeal. The judge had regard to the impact upon the appellant and his family when considering the reasonably foreseeable consequences of the decision. The judge properly drew the threads together at paragraphs [79] and [80] and when the decision is read as a whole, it was undoubtedly open to the judge to conclude:

> "79. Drawing this analysis together, I find that the decision to deprive the appellant of his British citizenship would not be disproportionate under Article 8 ECHR, even bearing in mind the best interests of the Appellant's minor son as a primary consideration. In my judgment, the impact to the Appellant and his family will be proportionate to the considerable public interest that attaches to upholding the integrity of the system by which foreign nationals are naturalised.
>
> 80. The Respondent's exercise of discretion in seeking to deprive the Appellant of his British Citizenship is a reasonable and proportionate response to his deception and the impact on the Appellant of such deprivation is not such as to outweigh the strong public interest in depriving him of a status and citizenship to which he was not entitled."

28. It follows that in my judgment there is no merit to the second ground of appeal.

GROUND 3

Error in the approach to the medical evidence

29. The appellant acknowledges the judge referred to the report of Dr Cordwell at paragraph [69] of the decision. However the appellant refers to the summary set out at paragraph 1.5 of the report of Dr Cordwell:

> "Mr. Gjelaj's day to day psychological functioning linked to his experience of trauma, depression and anxiety is moderated and protected by his ambition,

> drive, sense of achievements and his capability in achieving in his professional and personal life. His sense of self-esteem and self-worth, and therefore his ability to tolerate and manage any distress associated with his psychological difficulties is buffered by this and they are strong protective factors for him. If these are removed, i.e., for example if he were to lose his Citizenship, he may struggle to tolerate the uncertainty and unpredictability that he needs to manage his anxiety and would be less able to engage in these protective patterns of emotional and behavioural strengths, then it is likely that his psychological health and wellbeing would deteriorate. This would mean that he would likely struggle more significantly with further low mood, depression and his experience of trauma symptoms."

30. The appellant claims the judge failed to consider the likely impact of the deprivation of citizenship on the appellant's mental health. Furthermore, the appellant claims the judge attached little weight to the report of Dr Cordwell because: (i) the assessment was based on two telephone interviews; and (b) that Dr Cordwell had no access to any medical evidence about the Appellant, including the Appellant's GP medical records. The appellant claims the difficulty with that is twofold. First, Dr Cordwell had in fact met with the appellant via video link for a period of four hours, and then a telephone call for thirty minutes. The assessment was not, therefore, based on two telephone calls. Second, as the judge recorded at paragraph [72] of the decision, the appellant confirmed that he has no history of mental health problems and has never consulted his GP about mental health issues. In *HA (expert evidence: mental health) Sri Lanka* [2022] UKUT 00111 (IAC), the Upper Tribunal said that GP records concerning the individual detail a specific record of presentation and may paint a broader picture of his or her mental health than is available to the expert psychiatrist, particularly where the individual and the GP (and any associated health care professionals) have interacted over a significant period of time, during some of which the individual may not have perceived themselves as being at risk of removal. Here, Mr Metzer KC submits, access to the appellant's GP records would not have provided any additional information to Dr Cordwell. In HA, the Tribunal also said:

> "(7) Leaving aside the possibility of the parties jointly instructing an expert witness, the filing of an expert report by the appellant in good time before a hearing means that the Secretary of State will be expected to decide, in each case, whether the contents of the report are agreed. This will require the respondent to examine the report in detail, making any investigation that she may think necessary concerning the author of the report, such as by interrogating the GMC's website for matters pertaining to registration."

31. Mr Metzer KC submits the respondent had been in possession of the report for some 18 months prior to the decision of the FtT and had a duty to raise any such issues, or agree the contents. In the absence of any challenge to the report the judge ought to have taken the contents of the report as being non-contentious. Mr Metzer KC refers to the decision of the Supreme Court in *TUI UK Ltd v Griffiths* [2023] UKSC 48. Dr Cordwell was aware the appellant had not sought the assistance of his GP and the report is not based on an incorrect or incomplete history. Dr Cordwell was

not required for cross-examination by the respondent and in the absence of any other valid reason for his report to be impugned, the judge should have accepted the opinions expressed. The impact of the decision on the appellant's mental health was a key consideration in the proportionality exercise under Article 8, and Mr Metzer KC submits, would have tipped the balance in favour of the appellant.

32. In reply, Mr Wain submits the judge considered the report of Dr Cordwell at paragraph [69] of the decision and at paragraphs [71] and [72], the judge referred to the coping mechanisms and support available to the appellant. Dr Cordwell had made recommendations that had not been taken up by the appellant. Mr Wain accepts that Dr Cordwell confirms in his report he met with the appellant via video link on 13 September 2021 for a period of four hours and spoke to the appellant by telephone on 20 September 2021 for a period of 30 minutes. The erroneous reference to the report being based on two telephone assessment interviews is, Mr Wain submits, immaterial. The judge was entitled to have regard to the guidance set out in *HA (expert evidence: mental health) Sri Lanka* because GP records can often provide a specific record of presentation and may point a broader picture of an individual's mental health. Mr Wain submits the expertise of Dr Cordwell was not in issue and the weight to be attached to the opinions expressed by Dr Cordwell was a matter for the Tribunal.

33. I reject the claim that the judge failed to have proper regard to the report of Dr Cordwell. The decision of the Supreme Court in *TUI UK Ltd v Griffiths* re-emphasises the principle that fairness generally requires that if the evidence of a witness is to be rejected, whether that is a witness of fact or an expert witness, the evidence should be challenged at the hearing. As the Supreme Court said, the rationale of the rule, i.e. preserving the fairness of the trial, includes fairness to the party who has adduced the evidence of the impugned witness, and cross-examination gives the witness the opportunity to explain or clarify his or her evidence. The Supreme Court confirmed that it is not an inflexible rule and there is bound to be some relaxation of the rule and the criterion is the overall fairness of the trial.

34. I accept that at paragraph [70] of the decision, the judge the judge erroneously refers to Dr Cordwell having based his report on "two telephone assessment interviews" with the appellant, both in September 2021. I note however that at paragraph [69(a)] of the decision, the judge recorded that:

> "Dr Cordwell found that the Appellant was able to maintain his attention throughout four hours of video link, without taking breaks. He presented well and was observed to be comfortable and at ease. He was open and forthcoming. It was evident that there were a number of questions which left him uncomfortable, particularly his early life experiences in Albania, and his current immigration situation (6.1.4) He engaged in active and passive avoidance of painful thoughts and memories (6.3.20)."

35. Reading the decision as a whole, the erroneous reference to two telephone assessments is immaterial. It is clear from what is said at paragraph [69] that the judge had a clear grasp of the content of the report and the opinions expressed by Dr Cordwell. Although the judge said at paragraph [77] that she attached little weight on Dr Cordwell's report for the reasons she had already given, that must be read in light of what was said by the judge at paragraphs [69] to [72] of the decision. The Judge noted:

i) The appellant had reported to Dr Cordwell that he had never seen a psychiatrist or psychologist prior to the assessment, and had never sought help for psychological difficulties before. *(paragraph 69(b))*

ii) Dr Cordwell found the appellant's reported low mood, limited motivation and helplessness had their onset after October 2019 when he received the respondent's Notice of Deprivation of Citizenship. He was also experiencing moderate generalised anxiety, which was also likely to be related to the immigration proceedings. (*paragraph 69(c))*

iii) Dr Cordwell stated it was important to note that the appellant's psychological functioning was "moderated and protected by his ambition, drive, sense of achievement and his capability in achieving in his professional and personal life. His sense of self-esteem and self-worth, and therefore his ability to tolerate and Manage any distress associated with his psychological difficulties is buffered by this and they are strong protective factors". (*paragraph 69(d))*

iv) Dr Cordwell states that if he were to lose his citizenship "he may struggle to tolerate the uncertainty…. and it is likely that his psychological health would deteriorate". (*paragraph 69(e))*

v) Dr Cordwell recommended a referral to Improving Access to Psychological Therapies Service (IAPT). (*paragraph 69(f))*

36. The judge accepted, at [70], Dr Cordwell's credentials as a forensic psychologist. The judge referred to the absence of an examination of the appellant's GP records, but importantly in my judgment, the judge said:

> "71. I accept that the Appellant is experiencing feelings of low mood and anxiety related to the uncertainty about his immigration status provoked by the Respondent's Deprivation decision. However, as confirmed by Dr Cordwell, the Appellant has experienced uncertainty and difficult feelings in the past, and has managed these feelings using his own coping mechanisms, without recourse to mental health services.
>
> 72. In evidence at the tribunal hearing, the Appellant confirmed that he has no history of mental health problems and has never consulted his GP about mental health issues. He stated that he has not shown Dr Cordwell's report to his GP, and has not sought any referral to IAPT, as recommended by Dr Cordwell. It is reasonable to suppose that, if he were concerned about his

> ability to manage his negative feelings, he would have made a self-referral for psychological help."

37. It is clear therefore that the judge in fact had in mind and accepted the impact that the decision to deprive the appellant of his citizenship will have upon the appellant in her overall assessment of the Article 8 claim. The judge noted the recommendation by Dr Cordwell of a referral to IAPT and it was open to the judge to find that if the appellant is concerned about his ability to manage any negative feelings, it is open to him to make a referral for psychological help.

38. It follows that in my judgment there is no merit to the third ground of appeal.

39. I have throughout been mindful of the reminder, in *Lowe v SSHD* [2021] EWCA Civ 62 by McCombe LJ at paragraph [29], that appellate courts should exercise caution when interfering with evaluative decisions of first instance judges. Restraint must be exercised when considering an appeal against the decision of a specialist judge at first instance. *In UT (Sri Lanka) v The Secretary of State for the Home Department* [2019] EWCA Civ 1095 the Court of Appeal reminded appellate courts:

> "It is not the case that the UT is entitled to remake the decision of the FTT simply because it does not agree with it, or because it thinks it can produce a better one. Thus, the reasons given for considering there to be an error of law really matter. Baroness Hale put it in this way in AH (Sudan) v Secretary of State for the Home Department at [30]:
>
> > "Appellate courts should not rush to find such misdirections simply because they might have reached a different conclusion on the facts or expressed themselves differently.""

40. Reading the decision as a whole it is clear in my judgment that judge has said enough to show that care has been taken and that the evidence as a whole has been properly considered. in reaching the decision that the decision to deprive the appellant of British citizenship is not in all the circumstances disproportionate, the judge set out the building blocks of the reasoned judicial process by identifying the issues which need to be decided, the evidence which bears on those issues, and giving perfectly adequate and proper reasons for the findings and conclusions reached. Standing back, on a proper reading of the decision, it is clear what conclusions were reached by the judge and why the appeal was decided as it was.

41. It follows that there is no material error of law in the decision of the FtT and I dismiss the appeal.

NOTICE OF DECISION

42. The appeal to the Upper Tribunal is dismissed.

43. The decision of First-tier Tribunal Judge Spicer promulgated on 8 February 2023 stands.

V. Mandalia
Upper Tribunal Judge Mandalia

Judge of the Upper Tribunal
Immigration and Asylum Chamber

27 November 2024