



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-002335
First-tier Tribunal No:
DC/50194/2022

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 22 August 2024

Before

UPPER TRIBUNAL JUDGE MANDALIA

Between

Secretary of State for the Home Department

and

MR SHARJEEL KHAN
(aka NOOR UL BASAR)
(NO ANONYMITY DIRECTION MADE)

Appellant

Respondent

REPRESENTATION

For the Appellant: Mr P Lawson, Senior Home Office Presenting Officer
For the Respondent: Mr Sharjeel Khan, in person, unrepresented

Heard at Birmingham Civil Justice Centre on 15 April 2024

DECISION AND REASONS

BACKGROUND

1. The appellant in the appeal before the Upper Tribunal is the Secretary of State for the Home Department (“SSHHD”) and the respondent to this appeal is Mr Sharjeel Khan. However, for ease of reference, in the course

of this decision, as the Tribunal did in its error of law decision issued on 9 January 2024, I adopt the parties' status as it was before the FtT previously. I refer to Mr Sharjeel Khan as the appellant, and the Secretary of State as the respondent.

2. The appellant arrived in the UK on 13 October 1997 using a counterfeit Cypriot passport and claim asylum on arrival. He claimed to be 'Noor Ul Basar', an Afghan national, born 05 April 1981 and the son of Jalal Khan and Gul Tamam, both of whom were said to be nationals of Afghanistan. In a Self-Completion Questionnaire (SCQ), the appellant repeated those personal details and claimed he was born in Jalalabad, Afghanistan. In an accompanying statement he claimed he had lived on a farm in Afghanistan with his parents and two younger brothers, and that he had experienced persecution by the Taliban. The appellant claimed his father paid an agent who took him away from Afghanistan and that he travelled through several countries before arriving in the UK. On 15 September 1998 the appellant's asylum claim was refused but he was granted four years Exceptional Leave to Remain (ELR) in the UK on the basis that he was from Afghanistan, in line with the policy then adopted by the respondent. The appellant was subsequently granted indefinite leave to remain on 7 July 2003 and on 21 July 2005 he was naturalised as a British citizen in that identity.
3. On 18 December 2020 the appellant applied for a new passport in the name of Sharjeel Khan. He claimed he was born in Nowshera, Pakistan and provided a birth certificate as evidence of his name and place of birth. The birth certificate states the appellant's parents are Noor Ul Wahab and Gul Tamama, both of whom are described as citizens of Pakistan. The appellant's grandfather, Abdul Jalil is also said to be a national of Pakistan.
4. The respondent established that the appellant's true identity is in fact Sharjeel Khan and that he was born on 5 April 1981 in Nowshera, Pakistan. On 9 September 2022 the respondent informed the appellant of a decision to deprive the appellant of nationality under section 40(3) of the British Nationality Act 1981. The respondent considered representations made by the appellant and rejected the claim made by the appellant that he was unaware of his true place of birth and nationality for a period of over 20 years. The respondent concluded that on balance, the appellant had deliberately withheld his true place of birth and nationality with the intention of obtaining a grant of status and/or citizenship in circumstances where the application would have been unsuccessful if the appellant had told the truth.
5. The appellant's appeal against that decision was allowed by First-tier Tribunal Judge Hena for reasons set out in a decision dated 20 March 2023. The respondent was granted permission to appeal to the Upper Tribunal by First-tier Tribunal Judge O'Garro on 1 July 2023. The decision of First-tier Tribunal Judge Hena was set aside by Upper Tribunal Judge Lesley Smith for reasons set out in her 'error of law' decision issued on 9 January 2024. This decision should be read alongside that 'error of law'

decision. Judge Smith directed the decision will be remade in the Upper Tribunal. It is against that background that the appeal has been listed for hearing before me.

THE ISSUES

6. The issues are:
 - a. Whether it was open to the Secretary of State to conclude that the appellant's naturalisation was obtained by means of fraud, false representation, or concealment of a material fact, applying public law principles.
 - b. Whether the decision is unlawful under s6 of the Human Rights Act 1998.
 - c. Whether the respondent materially erred in law when deciding to exercise discretion to deprive the appellant of British citizenship.

THE EVIDENCE AND SUBMISSIONS

7. The appellant attended the hearing before me and was unrepresented. He was assisted throughout by an interpreter arranged by the Tribunal. At the outset of the hearing I established that the appellant and interpreter were able to understand each other and communicate without any difficulty.
8. The appellant gave evidence. The appellant said that he has provided a wealth of evidence to support his claim that he is a national of Afghanistan. He referred to the claim made by the respondent that colleagues in Islamabad have confirmed that both of his parents are citizens of Pakistan and holders of a Computerized National Identity Card ("CNIC"). The respondent claims that before being issued with the CNIC's, his parents held National Identification Numbers which are issued to Pakistan-born citizens at birth and predate the CNIC. The respondent claims the fact that the appellant's parents held these National Identification Numbers confirm that they are and have always been nationals of Pakistan. The appellant states the identity cards held by him and his parents that are to be found at pages 177 to 179 of the respondent's bundle (*described as 'PAK CNIC' cards*) are in fact 'National Identity Card for Overseas Pakistanis' ("NICOP") cards that are issued to "those who are born outside of Pakistan". The appellant said that a NICOP card was issued to him because he was born in Afghanistan and his mother was born in Pakistan. The appellant maintained he was not born in Pakistan and that he had confirmed to the respondent in July 2022 that having checked with the 'Nadra Office' it has been confirmed that the appellant was born in Afghanistan as he has always claimed. He refers to the copy of the Afghan passport issued to him on 16 December 2003 in London which confirms the appellant was born on 5 April 1981 in 'Nangahar'. The appellant claims the respondent has misunderstood the position by claiming that a NICOP card is only issued to a Pakistani

national. He states his children have also been issued with similar Pakistani 'National Identity' cards but that does not mean they were born in Pakistan or are Pakistani nationals.

9. In cross-examination, Mr Lawson referred the appellant to the birth certificate that he relied upon in support of his application for a passport in December 2020. The appellant said the birth certificate was a 'fake' document. He said that at the time he needed to obtain a 'Pakistani visa' to visit his mother who was ill. He spoke to someone and was told that he could sort out a Pakistani visa for him for £1000. The appellant said he did not know that a false document had been prepared to support the application. The appellant claimed it was done by someone else without his knowledge. He maintained that he is an honest individual despite his previous conviction. Asked about how the appellant will be affected during a short period between being deprived of his British citizenship and a further decision made by the respondent as to whether the appellant should be granted 'leave to remain' the appellant said the accommodation that he lives in is rented. The tenancy is in the name of a family member – Mr Mohammad Gul, who is the appellant's brother-in-law. The appellant said that he does not work at the moment because he has 'high blood pressure' and is a diabetic. The appellant confirmed he has four children between the ages of 17 and 5. They all attend school or nursery. His youngest son has Downs Syndrome. The appellant said that his wife is a diabetic too.
10. To clarify matters, I referred the appellant to the copy of the birth certificate (*page 218 of the respondent's bundle*) that was sent by the appellant to HM Passport Office on 18 December 2020 in support of his application for a new passport. The appellant said that he had signed the application for the passport and the application was made by an agent who assured the appellant he would get the documents he required, including a visa. The appellant claimed he did not see a copy of the birth certificate until he received a bundle from the Home Office and he was told that he had committed fraud. The appellant said that he just relied upon someone who said they would help him, and he was desperate to see his mother at the time.
11. I then referred the appellant to his email on 12 July 2022 to the Status Review Unit ("SRU") (*page 223 of the respondent's bundle*). In that email he refers to his Pakistani identity card and said:

"...my pakistan identity card I have made it in 2018 and the reason they gave it to be because my mother was Pakistani and in my pakistan identity card the place of birth is Afghanistan because I didn't knew my original place of birth later when I met my family in 2019 then I realised the truth that my place of birth was in Pakistan so I made a birth certificate and whatever information I got from my family I forwarded to you..."
12. The appellant maintained that that he had not obtained a birth certificate and knew nothing about the Pakistani birth certificate. He claimed that the individual who was assisting him with the documents in December

2020 had access to and was using the appellant's email account. The appellant said that he knew nothing at all about that response that had been sent to the SRU referring to the birth certificate. The appellant said that he did not report the fact that someone had prepared false documents that he was unaware of, to the authorities and when he subsequently found out about the false documents and spoke to the individual, the individual just told the appellant to remain patient and shortly after, stopped answering the appellants calls.

13. After giving evidence, in summary, the appellant submitted that he had no knowledge of the false documents and that he has no reason to apply for a passport relying upon false documents. He submitted that at the time he was helpless because his mother was very ill and he was desperate to visit her. He relied upon the agent and did not know what was being done in his name. On behalf of the respondent, Mr Lawson adopted the respondent's decision dated 9 September 2022 and submits the decision to make an order to deprive the appellant of his British citizenship is lawful and one open to the respondent.

DECISION

THE CONDITION PRECEDENT

14. The appellant's immigration history is set out at paragraphs [8] to [26] of the respondent's decision. The respondent referred to the information provided by the appellant regarding his name, date, and place of birth at various stages between his arrival in the UK and his naturalisation as a British citizen on 21 July 2005.
15. The respondent refers to the information provided by the appellant about his family and the representations made by the appellant in paragraphs [28] to [31] of the decision. The respondent concluded the appellant is a national of Pakistan for reasons set out in paragraph [36] of the decision. In summary:
 - a. The appellant had submitted a Pakistan birth certificate, stating that he is Sharjeel Khan, born in Nowshera, Pakistan, on 05 April 1981.
 - b. The birth certificate relied upon by the appellant shows that his parents, Noor Ul Wahab and Gul Tamama, are both Pakistan-born nationals. The appellant's grandfather, Abdul Jalil, was also a Pakistan national.
 - c. Enquires carried out by the respondent in Islamabad revealed that the appellant has been issued with a CNIC, and that his citizen number is ****892-9. These documents are only issued to Pakistani-born citizens. The card confirms the appellant's permanent address is registered in Nowshera, the District in which he was born.

- d. Enquiries carried out by the respondent in Islamabad have also confirmed that both the appellant's parents are citizens of Pakistan and holders of CNICs. These documents show that before being issued with CNICs, the appellant's parents held National Identification Numbers (NICs), which are issued to Pakistan-born citizens at birth and predate the CNIC. The appellant's parents are, and always have been, nationals of Pakistan.
- e. The respondent understands the appellant changed his name by deed poll in 2017 from 'Noor Ul Basar' to 'Sharjeel Khan'. The Pakistani birth certificate relied upon by the appellant shows that 'Sharjeel Khan' has always been his name.
16. The respondent referred to and addressed the representations made by the appellant at paragraphs [38] to [50] of the decision, referring at each stage to the information that had been provided by the appellant in each of the applications that he had previously made to the respondent leading to his naturalisation as a British Citizen. At paragraphs [49] to [51] of the decision, the respondent said:
- "49. Given the evidence noted above, the SSHD is not satisfied that you were unaware of your true birthplace and nationality or that it has only very recently come to your attention. It is considered extremely unlikely that you could have been totally unaware of your true nationality, given how frequently you travelled to Pakistan and since your personal and familial ties there are so strongly evidenced and have clearly subsisted across your entire residence in the UK. Conversely, you have not provided evidence of any ties to Afghanistan which would prove your claim of having lived there for a period long enough to convince you that you were an Afghanistan national, with no other nationality possible. Therefore, the SSHD considers that you did in fact know that you were born in Pakistan, that you deliberately withheld this information, and that you have knowingly and willingly supplied a false place of birth and nationality to the Home Office.
50. Your birthplace and nationality (and any false representations you have made with regards to the same) hold great significance in this case, as they were a fundamental part of your initial asylum claim and a material factor in how you acquired all of your grants of status in the UK. At the time of your grant of ELR, there was a Home Office policy in place granting four years of Exceptional Leave to Remain to any failed asylum seekers from Afghanistan. Your casework notes confirm that your grant of ELR was based on this policy: "grant 4 years exceptional leave to enter to Mr B in line with current Afghan policy (Annex D, Page 3)." Therefore, you were not entitled to this grant of ELR, and it would never have been awarded if the SSHD had known you were actually born in Pakistan and a national of the same. Furthermore, you would not have gone on to gain British citizenship in the identity of an Afghanistan national.
51. In light of the above considerations, the SSHD does not accept your claim that you remained unaware of your true place of birth and nationality for over 20 years (the time between your original false representations in 1998 and when your true identity came to the attention of the SSHD). Rather, on the balance of probabilities, the SSHD considers that you deliberately

withheld your place of birth with the intention of gaining status in the UK to which you were not entitled and would not have been granted had the truth about your identity been known.”

17. In reaching my decision I have had regard to all of the evidence that is before me, whether or not I refer to it. I have also had the opportunity of hearing the evidence of the appellant. I have no hesitation in concluding the appellant is not a credible witness and that he used deception and secured leave to remain and then naturalisation as a British citizen by means of fraud, false representations or the concealment of material facts. Although he was only 16 years old when he arrived in the UK, he entered the UK with a counterfeit Cypriot passport. When interviewed for the purposes of the asylum claim the appellant claimed his parents are nationals of Afghanistan. He claimed that he too is an Afghan national and that he was born in Jalalabad. The appellant maintained he is a national of Afghanistan until he made an application to HM Passport Office on 18 December 2020.
18. I am satisfied that the appellant dishonestly claimed to be a national of Afghanistan upon arrival in the UK, when he is, and always has been, a national of Pakistan. His claim to be a national of Afghanistan was material to the grant of four years exceptional leave to remain in September 1998 and to the subsequent acquisition of further leave to remain and naturalisation as a British citizen.
19. I reject the appellant’s claim that he was unaware of the Pakistani birth certificate that was relied upon when he made his application to HM Passport Office on 18 December 2020 and that that is a ‘fake’ document. The appellant accepted in his evidence before me that he had signed the application for a passport. I find that he was aware of the content of the application, and the documents that were provided in support of the application. He acknowledges the birth certificate was provided in support of that application but now claims he had no knowledge of that birth certificate until it was disclosed to him by the respondent following concerns about the information provided. However, the appellant has failed to provide any explanation as to how an undisclosed individual was able to obtain a birth certificate that appears to have been issued in July 2020 and sets out the names and CNIC numbers for the appellant’s parents without any input from the appellant.
20. In any event, the appellant’s account of events is entirely inconsistent and undermined by the emails he sent to the SRU setting out his representations when he was informed that there were concerns about the information he had previously provided. I reject the appellant’s account that the individual that he had engaged to assist him obtain the necessary documents to travel to Pakistan to visit his mother, had access to the appellant’s email account in the way claimed by the appellant. It is contrary to common sense that the appellant would allow that individual, and that individual would require access to the appellant’s email account. His account is simply not credible.

21. The appellant's account of where he was born is littered with inconsistencies. In response to the letter sent by the respondent to the appellant on 16 August 2021 indicating that there were concerns about how the appellant had obtained British citizenship, the appellant made representations. In an email to the respondent on 21 August 2021 (page 222 of the respondent's bundle), the appellant said: [302]

"...I was born in Pakistan but after a few years back in around 1985 there was a dispute over water in which my uncle son name Abdul haq was shot my father at that time decided it was unsafe to remain in our village so we moved to nangharhar when i was 4 years of age Afghanistan where i was brought up alongside my father who was a business man tradins from his shop as years passed away in 1996 the taliban harassing local boys and man in joining them my father was not in favour of this so he sent me with an agent to Europe where i claimed asylum and as i was not aware of my place of birth i mentioned i was born in Afghanistan

it is only when i returned to my family after many years i realized i was born in Pakistan i have provided you this information...." (my emphasis)

22. In a further email sent by the appellant to the respondent on 12 July 2022 (page 223 of the respondent's bundle), the appellant said:

"...for your information my mother gultamama she is originally from pakistan and my dad originally is from Afghanistan my pakistan identity card I have made it in 2018 and the reason they gave it to be because my mother was Pakistani and in my pakistan identity card the place of birth is Afghanistan because I didn't knew my original place of birth later when I met my family in 2019 then I realised the truth that my place of birth was in Pakistan so I made a birth certificate... I was 4 or 5 year old when my dad brought our family to Afghanistan because our lives were in danger when I grew up in Afghanistan the taliban told my dad that we want your son to join us but my dad didn't want that so he sent me to England at the age of 16 and I made a claim in England as an asylum..." (my emphasis)

23. Finally, on 22 July 2022 (page 222 of the respondent's bundle), the appellant sent a further email to the respondent in which he said:

"I have previously requested to amend my place of birth I am pleased to inform you that I would like to withdraw my that request because my previous place of birth is correct, I have previously sent you incorrect information because my uncle told me that your place of birth in Pakistan Nowshera, my father personally passed away so whatever he told me I have believed and I have forwarded to you but I have recently checked with nadra office with pak identity card office my father registered my original place of birth is Afghanistan wengerhar I apologise for sending wrong information I would like to withdraw my application please send me my original naturalisation certificate back and other documents I am looking forward to hearing from you thanks." (my emphasis)

24. Having claimed in his application to HM Passport Office on 18 December 2020 that he was born in Nowshera, Pakistan and having maintained that in his emails to the respondent on 16 August 2021 and 12 July 2022, in his

email only ten days later on 22 July 2022, the appellant appears to revert to his claim that he was in fact born in Afghanistan. I find the appellant's latest claim that he has been provided with information now that he was in fact born in Afghanistan to be a belated attempt to distance himself from the problems he faces because of the evidence now available that the appellant is in fact a national of Pakistan.

25. I have also considered the appellant's claim regarding the identity documents that are relied upon by the respondent to demonstrate that the appellant is in fact a Pakistani national. The respondent has provided the Tribunal with a 'Country Information Note, Pakistan: Documentation, version 2.0 published in March 2020. The note has a useful section dealing with the types of identification issued to individuals in Pakistan and the issuing authorities. Where the information set out in that note is at odds with the assertions made by the appellant, I prefer to information set out in the respondent's note, that is sourced and I find, more reliable. I attach greater weight to that evidence. The information set out confirms that in 2002, paper-based identity cards were replaced by Computerised National Identity Cards (CNICs). CNIC's are issued to citizens of Pakistan aged 18 and over and contain a unique 13-digit identification number. CNICs are valid for five or ten years; CNICs issued to citizens over the age of 65 are valid for life. The Note also set out information regarding identity cards for Pakistanis overseas:

"2.2.1 National Identity Cards for Overseas Pakistanis (NICOPs) are issued to citizens of Pakistan who live abroad and allow any citizen of Pakistan to travel to Pakistan without requiring a visa in case of dual nationality. Pakistan Origin Cards (POCs) are available to persons of Pakistani origin, allowing visa-free entry, indefinite stay rights, exemption from foreigner registration requirements, property rights and the right to open a bank account. A foreign national (not of Pakistani origin) who is married to a Pakistani national is also eligible for a POC, unless they are a citizen or national of India, Israel or Taiwan; a citizen or national of state or country not recognised by Pakistan [Israel and Armenia]; or a citizen of any enemy country."

26. The background material relied upon by the respondent is at odds with the appellant's evidence that the identity cards held by him and his parents (*pages 177 to 179 of the respondent's bundle*) are NICOP cards that are issued to "those who are born outside of Pakistan". To the contrary, I find that the NICOP cards support the respondent's claim that the appellant is in fact a national of Pakistan. I note the 'Country of Stay' recorded on the appellant's NICOP Card is 'Ireland' and is consistent with the background material that cards are issued to citizens of Pakistan who live abroad and have dual nationality. The card confirms the appellant's 'Permanent Address' to be in the District of Nowshera, Pakistan, consistent with the Birth certificate.
27. I find therefore that the appellant was born in Pakistan and is a national of Pakistan. The appellant is not a credible witness and I reject his claim that he was born in Afghanistan, as he again claims in his representations to

the respondent in an email dated 22 July 2022. I find therefore that the appellant practiced deception at the point of claiming asylum, by stating that he was born in Afghanistan and is an Afghan national, when he is in fact a national of Pakistan. The appellant maintained his claim to have been born in Afghanistan throughout in all of his various dealings with the Home Office. He failed to disclose that he was born in Pakistan and is a national of Pakistan at any stage.

28. On the facts there can in my judgment be no doubt that the respondent made a decision that was based upon findings of fact that were open to the respondent and which are rooted in evidence. The findings and conclusions reached by the respondent were neither irrational nor unreasonable in the *Wednesbury* sense, or findings and conclusions that were wholly unsupported by the evidence. The respondent reached a decision that the relevant condition precedent specified in section 40(2) or (3) of the 1981 Act exists for the exercise of the discretion whether to deprive the appellant of British citizenship. That was a decision that was clearly within the lawful parameters of legitimate evaluative judgment on the facts of the particular case. No error is identified or established.

ARTICLE 8

29. The appellant's evidence in support of his Article 8 claim is very limited. In his email to the respondent dated 21 August 2021 the appellant provided details of his wider family including his wife, children and siblings. He referred to his youngest son having Downs Syndrome and claimed that the respondent's decision to deprive him of British citizenship "has put a lot of psychological effect" on their family life. In his evidence before me the appellant said that he and his family live in rented accommodation. The tenancy for the accommodation is in the name of his brother-in-law. Neither the appellant nor his wife work. Their youngest son has Downs Syndrome.
30. There are no medical reports regarding the health of the appellant, his partner or any of their children. In the respondent's decision, the respondent acknowledges that the loss of citizenship will result in the loss of the right of abode and with it the loss of the ability to come and go without limit of time or purpose. The respondent confirms in the decision that a deprivation decision does not itself preclude an individual from remaining in the UK. In summary, the appellant claims the reasonably foreseeable consequences of deprivation will be that the appellant will be unable to continue his family life with his wife and children in the UK.
31. Over the years the appellant has travelled to Pakistan to visit family. The appellant's wife is a national of Pakistan and has family connections there. I accept, as Mr. Lawson submits, that in the respondent's decision an assurance is provided that the period between loss of citizenship via service of a deprivation order and a further decision to remove, or grant leave, will be relatively short. The respondent has indicated that a deprivation order will be made within four weeks of the appellant's appeal

rights being exhausted. The respondent has indicated that within eight weeks from the deprivation order being made, subject to any representations the appellant may make, a further decision will be made either to remove him from the United Kingdom, or to issue leave.

32. My consideration of the reasonably foreseeable consequences of deprivation can be limited to the relatively short period between loss of citizenship via service of a deprivation order and a further decision to remove or grant leave. It is not necessary or appropriate for the Tribunal to conduct a proleptic assessment of the likelihood of the appellant being lawfully removed from the United Kingdom. If a decision to remove the appellant is made by the respondent, that decision will itself carry a right of appeal; *Aziz v SSHD [2018] EWCA Civ 1884* and it is not open to me to consider the consequences of something that has not yet happened, and may indeed, never happen.
33. The appellant lives in the UK with his wife and children. The appellant's children are British citizens, and there is no question of them being deprived of their British citizenship. Although I accept the appellant has an established family life with his wife and children, I do not accept the decision to deprive the appellant of British citizenship has consequences of such gravity as to engage the operation of Article 8. On the evidence before me, I find the deprivation of his British citizen status would not affect the appellant during the relatively short period between loss of citizenship and a further decision to remove or grant leave. The appellant will remain living with his wife and children during that short period whilst a decision is reached.
34. Even if the decision to deprive the appellant of British citizenship has consequences of such gravity as to engage the operation of Article 8, there can be no doubt the interference is in accordance with the law, and that the interference is necessary to maintain the integrity of British nationality law. The Court of Appeal in *Laci v SSHD [2021] EWCA Civ 769* 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. On the very limited evidence before me, it is simply not possible to conclude that the effect upon the appellant's private and family life, of the deprivation of his British citizen status, would be disproportionate to the clear public interest in that outcome.

DISCRETION

35. At paragraph [66] of the decision, the respondent said:

"It is acknowledged that the decision to deprive on the grounds of fraud is at the Secretary of State's discretion. In making the decision to

deprive you of citizenship, the Secretary of State has taken into account the following factors, which include the representations made by you between 21 August 2021 and 22 July 2022 and concluded that deprivation would be both reasonable and proportionate.”

36. It is not suggested that there has been any procedural impropriety by the respondent in reaching the decision. The respondent confirmed the appellant’s case was referred to the ‘Status Review Unit’ and the allegation that the appellant had obtained British citizenship by fraud, false representations or concealment of a material fact was put to the appellant in a letter sent on 16 August 2021. The respondent referred to and engaged with the representations made in reaching the decision.
37. 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.
38. It is in the end, the respondent’s responsibility for deciding whether deprivation of citizenship is conducive to the public good. Standing back and looking at the respondent’s decision as a whole, I do not accept that any material consideration had been left out of account in the respondent’s decision letter. The respondent was not required to set out or repeat all the relevant factors when addressing the discretion. The respondent carefully set out the background to the decision identifying all the applications made by the appellant and the information that he provided at each stage. The respondent referred to the relevant guidance that was taken into account in the course of reaching the decision. The appellant has not identified anything in his evidence or submissions before me that the respondent had failed to have any regard to. There was, and is, in my judgment nothing of any significance offered by the appellant by way of mitigation that the respondent should have had regard to when considering the exercise of discretion.
39. In my judgement the appellant has failed to establish that the respondent acted in a way in which no reasonable Secretary of State could have acted. The appellant has failed to establish any public law error in the respondent’s decision dated 9 September 2022. It was a lawful decision pursuant to section 6 of the Human Rights act 1998.
40. It follows that I dismiss this appeal.

NOTICE OF DECISION

41. The appellant’s appeal against the respondent’s decision of 9 September 2022 is dismissed.

V. Mandalia
Upper Tribunal Judge Mandalia

Case No: UI-2023-002335
First-tier Tribunal No: DC/50194/2022

Judge of the Upper Tribunal
Immigration and Asylum Chamber

24 July 2024