



Home Office

Deprivation of British citizenship

Version 3.0

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About this guidance

This guidance is about deprivation of British citizenship under section 40 of the [British Nationality Act 1981](#) (BNA 1981).

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email Migrant Criminality Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Review, Atlas and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **3.0**
- published for Home Office staff on **18 October 2024**

Changes from last version of this guidance

- minor amendment to reflect the 2023 Serious Organised Crime Strategy
- amendment to clarify factors which would not normally lead to deprivation of citizenship on the grounds of fraud, false representation or concealment of material fact

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Introduction

This section explains the background to deprivation of British citizenship.

Background

The power to deprive a person of their British citizenship has been enshrined in law for over a century and has seen a number of changes over the years.

Under section 40 of the [British Nationality Act \(BNA\) 1981](#) any British citizen, British Overseas Territories citizen, British Overseas citizen, British National (Overseas), British Protected Person or British Subject may be deprived of their citizenship if the Secretary of State is satisfied that:

- it would be conducive to the public good and they would not become stateless as a result of the deprivation (section 40(2))
- the person acquired citizenship as a result of registration or naturalisation that was obtained by means of fraud, false representation or the concealment of a material fact (section 40(3))
- the person acquired citizenship as a result of registration or naturalisation that was obtained by means of fraud, false representation or the concealment of a material fact before 1 January 1983 (section 40(6))

Approach

Although primary legislation provides for the deprivation of British citizenship on the grounds of fraud or on the basis that it is conducive to the public good, it does not specify what types of behaviour would lead to a decision to deprive.

Cases are referred to the Home Office from other government bodies or intelligence agencies. Referrals are initially assessed, and a decision is then made to either accept or reject the referral.

If a referral is accepted, you must assess all available evidence and seek more information if required to be able to reach a decision.

Evidence must be handled in line with data protection guidance. As any evidence collected may be disclosed in court as part of an appeal, all evidence and decision-making processes must be clearly documented.

The best interests of a child

All decisions to deprive a person of citizenship must include consideration of the duty in [section 55 of the Borders, Citizenship and Immigration Act 2009](#) to have regard to the need to safeguard and promote the welfare of children in the UK. This means that consideration of a child's best interests is a primary, but not the only,

consideration in nationality decisions affecting them. This guidance sets out how we ensure that we give practical effect to these obligations.

Where a child or children in the UK will be affected by the decision, you must have due regard to their best interests when considering whether to take deprivation action. You must carefully consider all available information and evidence concerning the best interests of a child in the UK and the impact the decision may have on the child. Documentary evidence from official or independent sources will carry more weight in the decision-making process than uncorroborated assertions about a child's best interests. Your decision notice must demonstrate that all relevant information and evidence concerning the best interests of a relevant child has been carefully considered.

However, the fact that children are affected by the decision to deprive does not mean you should never deprive, as their best interests may be outweighed by countervailing factors.

Delegation of powers to Governors and Lieutenant-Governors

Under section 43 of the [BNA 1981](#) the Home Secretary has delegated to the Governor of each of the British Overseas Territories powers in respect of certain nationality functions, including the deprivation of British Overseas Territories citizenship. Governors are required to refer cases to the Home Secretary for prior approval before any decision is taken, although the final decision rests with the Governor.

The Home Secretary has similarly delegated deprivation powers in respect of British citizenship to the Lieutenant-Governor of each of the Islands (Channel Islands and Isle of Man), again subject to a requirement to refer cases for prior approval before any decision is taken.

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Consideration of Human Rights

The [European Convention on Human Rights](#) (ECHR) does not contain an absolute right to acquire a particular nationality or citizenship. However, once you have assessed that a person meets the threshold to be deprived of citizenship, you must consider whether their human rights are engaged. This does not mean they should not be deprived of citizenship, but where deprivation might interfere with a qualified ECHR right, you must carefully consider the impact deprivation would have on the person, and, if appropriate, their dependants and whether it would be proportionate. For example, such consideration is more likely to be relevant in relation to Article 8 where the person to be deprived is in the UK and has been for some time.

You must balance the impact deprivation will have against the reasons for depriving. Just because deprivation would mean that a person may experience disruption to their life, for example they may lose their job or access to benefits, it does not mean they should not be deprived of British citizenship. In the case of [Aziz \[2018 EWCA Civ 1884\]](#) the Court of Appeal made a clear distinction between the impact on a person's human rights of a decision to deprive versus the impact of a decision to deport.

In addition, the court found that it was unnecessary, as part of a decision to deprive, to conduct an assessment of a person's human rights in anticipation of whether they would be deported because that assessment would be done at a later stage in response to representations against deportation or removal.

Article 1 of the [ECHR](#) limits a contracting State's obligations to securing the rights and freedoms set out in the Convention to those individuals within its jurisdiction. However, where a person is overseas and therefore outside the scope of the Human Rights Act 1998, when a decision is made to deprive them of British citizenship, you must consider if deprivation would expose those individuals to a real risk of mistreatment which would constitute a breach of Articles 2 or 3 as if they were within the UK's jurisdiction and those articles were engaged.

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Deprivation on the ground it is conducive to the public good

This section covers deprivation of British citizenship where it is conducive to the public good.

Overview

Under [section 40\(2\) of the British Nationality Act \(BNA\) 1981](#), the Secretary of State may by order deprive a person of British citizenship status, (or citizenship as a British Overseas Territories Citizen, British Overseas Citizen, British National (Overseas), British Protected Person or British Subject) if they are satisfied that such action is conducive to the public good.

“Conducive to the public good” means that it is in the public interest to deprive an individual of British citizenship because of their conduct and / or the threat they pose to the UK. Examples of when a person can be deprived of British citizenship on the ground that it is conducive to the public good include, but are not limited to:

- the interests of national security, for reasons relating to terrorism, hostile state activity, or any other reason
- where the person has been involved in serious organised crime
- where the person has been involved in war crimes, crimes against humanity, or other unacceptable behaviour

There may be overlap between these, for example serious organised crime may have implications for national security.

A decision to deprive a person of British citizenship on the ground it is conducive to the public good (conducive grounds) can only be made by the Home Secretary (or in their absence, another Secretary of State) and it is for them to determine personally whether a person’s actions are such that it is in the public interest that they are no longer a British citizen.

Where an individual is referred to the Home Office for possible deprivation of British citizenship, the referring body will need to evidence their reasoning as to why they believe the individual’s conduct and/or the threat they pose to the UK is serious enough to be considered for deprivation action.

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Serious organised crime

A key objective of the government’s Serious Organised Crime Strategy, published in December 2023, is the “disrupting and dismantling [of] organised crime groups operating in and against the UK”. The 2023 strategy builds on the 2018 strategy, which committed to using immigration and nationality powers against individuals involved in serious organised crime, including, where appropriate, depriving them of British citizenship.

The use of deprivation powers in cases of serious organised crime is focused on high harm offences, particularly those involving violent or sexual crime, human trafficking or facilitation of illegal immigration, money laundering or serious financial crime, organised drug importation and child sexual exploitation. However, this is not an exhaustive list, and each case referred to the Home Office must be considered on an individual basis.

In determining whether deprivation action is appropriate you must consider whether the character and conduct of the individual is such that it is in the public interest to deprive them of British citizenship.

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Statelessness

Under section 40(4) of the [BNA 1981](#), a decision to deprive a person of British citizenship, on the basis that to do so is conducive to the public good, cannot be made if the Secretary of State is satisfied that the order would make a person stateless.

However, section 40(4A) of the BNA 1981, introduced by the [Immigration Act 2014](#), provides for the deprivation of British citizenship on conducive grounds, even if it would render a person stateless, if they have conducted themselves in a manner seriously prejudicial to the vital interests of the UK and if there are reasonable grounds for believing that the person is able to become a national of another country or territory.

Related content

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Deprivation on the grounds of fraud, false representation or concealment of material fact

This section explains how to consider deprivation of British citizenship where a person has committed fraud (including using elements of fictitious identity), made a false representation, or concealed a material fact.

Overview

[Section 40\(3\) of the British Nationality Act \(BNA\) 1981](#) provides for a person who has naturalised or registered as a British citizen, British Overseas Territories Citizen, British Overseas Citizen, British National (Overseas), British Protected Person or British Subject to be deprived of their citizenship if the Home Secretary is satisfied citizenship was obtained by means of:

- fraud
- false representation
- concealment of a material fact

This does not apply to cases where the fraud involves wholesale impersonation of another person involving the use of their immigration status to acquire citizenship. For guidance on this type of case refer to guidance on nullity.

Statelessness is not a bar to deprivation of citizenship under section 40(3) although it may be a factor to consider. For further guidance please refer to the section on [Statelessness](#).

When considering whether deprivation is appropriate, you must ensure that it is based on sound evidence and is not reliant on speculation. The standard of proof to be applied when determining whether to deprive a person of British citizenship on the grounds of fraud, false representation or concealment of a material fact is the balance of probabilities. This means you must be satisfied that it is more likely than not that they have used fraud or withheld material facts to obtain citizenship.

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Definitions

False representation means a representation which was deliberately and dishonestly made on the applicant's part, that is where an innocent mistake would not give rise to a decision to deprive under this provision. The false representation must have had a direct bearing on the application.

Concealment of a material fact means deliberate operative concealment, rather than an innocent omission, that is where the concealment practised by the applicant is deliberate and has a direct bearing on the application for registration or naturalisation.

Fraud encompasses either of the above.

Multiple names

A person may have more than one name. For example, it is common for actors to use stage names instead of their birth name, or a person may have changed their name by deed poll from their name given at birth.

You must take care not to mistake such legitimate instances of name change for an attempt to deploy fraud, unless it is found that the person has deliberately submitted an application using another name to conceal criminality (or other information relevant to an assessment of their good character), or an adverse immigration history.

Before making a decision, you must ensure that any checks carried out are undertaken in relation to all known identities.

Factors to consider

In cases of fraud, you must consider whether there was a deliberate intention to deceive.

Examples of where a person can be deprived of British citizenship on the grounds of fraud are where they have:

- falsified elements of their personal details to gain citizenship
- deliberately withheld relevant information that would have otherwise led to them being refused citizenship
- committed fraud in a previous immigration application that had a direct bearing on their application for citizenship

When considering whether to make a decision to deprive on fraud grounds you must take account of the following factors:

- whether the fraud was material to the acquisition of citizenship
- whether there was an intention to deceive
- any delay in making a decision to deprive once the fraud is uncovered

- the reasonably foreseeable consequences of deprivation
- whether there are any mitigating factors

Fraud material to the acquisition of citizenship

If the relevant facts, had they been known at the time the application for citizenship was considered, would have affected the decision to grant citizenship via naturalisation or registration then you must consider deprivation action.

Examples of a material fact include, but are not limited to:

- undisclosed convictions or other information which would have affected a person's ability to meet the good character requirement for their nationality application, bearing in mind the good character policy which was in place at the time the person applied for citizenship
- a marriage or civil partnership which is found to be invalid or void, and so would have affected a person's ability to meet the requirements for section 6(2) of the [BNA 1981](#)
- false details given in relation to an immigration or asylum application, which led to that status being given to a person who would not otherwise have qualified, and so would have affected a person's ability to meet the residence and/or good character requirement for naturalisation or registration

If the fraud, false representation or concealment of material fact did not have a direct bearing on the grant of citizenship, it may not be appropriate to pursue deprivation action. For example, a person may have previously been granted settlement under a concession where identity and nationality were not qualifying criteria. Despite the fact that they used a false identity at the time, the fraud may not have been material to the grant of settlement. In cases where the fraud was not material to the grant of settlement, you must carefully consider whether it was material to the grant of citizenship.

Changes to the good character policy now mean that, where there is evidence that someone has employed deception either during the citizenship application process or in a previous immigration application within the last 10 years, they are not normally considered to be of good character. You must consider the guidance on good character when the person obtained their citizenship.

You must consider depriving a spouse or civil partner of their British citizenship if the fraud under consideration was also material to his or her application for naturalisation. However, a spouse must not automatically be deprived of citizenship solely on the basis of their relationship. See [Intention to deceive](#) below.

If in doubt you must refer to a Senior Caseworker.

Intention to deceive

You must be satisfied that there was an intention to deceive, via conscious, premeditated action, in order to obtain British citizenship. For example, a person may

have got someone else to sit the Knowledge of Life or an English language test on their behalf in order to be sure of a pass. Or they may not have declared a prison sentence or other criminal conviction which would be relevant to their ability to meet the good character requirement.

An innocent error or genuine omission should not lead to deprivation.

All adults are legally responsible for their own citizenship applications, even where this is part of a family application. The fact that a person was advised by a relative or agent to give false information, does not mean they were not complicit in the deception. For guidance on where mitigating factors may be relevant, please see [mitigating factors](#).

If the person was a child at the time the citizenship application was made on their behalf, and there was fraud, false representation or concealment of a material fact, it will normally not be appropriate to take deprivation action. However, where a person becomes an adult before the application has been decided and does not notify the decision maker of the fraud, you must consider whether they maintained the deception. In considering whether deception has been maintained, you must take into account whether the person had a reasonable opportunity to notify the decision maker of the fraud. Where the application was granted very soon after the person became an adult, it may be that they did not have a reasonable opportunity to notify the decision maker before the application was granted.

Where an adult has submitted an application for citizenship which maintains a fraud, false representation or concealment of material fact committed when they were a minor, you must carefully consider whether they were aware of the fraud when submitting that citizenship application and there was therefore a deliberate intention to continue the fraud in their citizenship application. Whether the person intended to deceive, and whether that deception was material to the acquisition of citizenship will depend on the individual facts of the case, with reference to this section and the section on [fraud material to the acquisition of citizenship](#) above.

Consideration of ECHR rights

You must consider whether a decision to deprive interferes with a person's rights under the European Convention on Human Rights (ECHR) (see [Consideration of Human Rights](#)) and whether such interference is proportionate. This means that the decision must be necessary to fulfil the intended objective, having regard to the impact on the person and their rights, balanced against the public interest in deprivation.

In the case of [Dinjan Hysaj \[2020\] UKUT 00128](#), the Upper Tribunal found that:

“There is a 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. That deprivation will cause disruption in day-to-day life is a consequence of the appellant's own actions and without more, such as the loss of rights previously enjoyed, cannot possibly tip the

proportionality balance in favour of his retaining the benefits of citizenship that he fraudulently secured.”

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 decision-maker at the time they considered the application for citizenship.

Evidence that was before the Secretary of State at the time of application for settlement or citizenship but was not relied upon should not in general be used at a later stage to support a decision to deprive unless it is nevertheless in the public interest to do so. If new relevant material comes to light, where possible this must be disclosed to the person in the investigation letter for them to be able to address.

Delay

In assessing whether a decision to deprive is proportionate, you must consider the period of time which has elapsed since the fraud was first uncovered and drawn to the individual’s attention.

Statelessness

A decision to deprive on the grounds of fraud may result in a person becoming stateless. The BNA 1981 and the [1961 UN Convention on the Reduction of Statelessness](#) allow deprivation on fraud grounds even where the person will be rendered stateless. However, if your decision to deprive will mean that the person is stateless, you must consider the impact that this will have on them. In particular, where the decision to deprive may interfere with a qualified ECHR right, the decision must be proportionate to the public interest, having regard to the impact upon the person and their family.

Mitigating factors

You must also consider any mitigating circumstances which cast light on the person’s state of mind, including their motives. All adults are expected to take responsibility for the information they provide on immigration and nationality application forms. However, there are instances where mitigating factors may be relevant, and each case must be considered on its own merits.

The following are examples of mitigating factors:

- where there is evidence of some form of mental or physical impairment that can clearly be shown to have impacted on the person’s judgement at the time the material fraud took place
- where there is evidence of some form of coercion that indicates that the person was not able to make independent decisions at the time the material fraud took place

The following are unlikely, in themselves, to amount to mitigation:

- where the person claims that a family member completed the application form for them
- where the person claims that a representative or interpreter advised them to provide false details

The evidence presented must clearly indicate a lack of free will and/or sound judgement. Statements not supported by corroborative evidence may not be sufficient to make a decision not to deprive.

Evidence of mental or physical impairment that is alleged to have impacted on the person's free will or judgement must be provided by the person's doctor or other relevant qualified medical professional.

Factors which would not usually lead to a decision to deprive

In general, it will not usually be appropriate to make a decision to deprive in the following circumstances:

- where fraud **postdates** the grant of citizenship
- if the person was a minor on the date on which they acquired citizenship

However, where fraud occurs after the grant of citizenship but before the person has attended a citizenship ceremony and taken the oath of allegiance, you must consider whether it is appropriate to deprive.

Length of residence in the UK alone will not normally be a reason not to deprive a person of their citizenship but should be taken into account when considering whether deprivation is reasonable and, in respect of any [ECHR](#) considerations, proportionate.

When considering whether to continue with deprivation action, you must refer to the section on [intention to deceive](#).

Conducting the investigation

Evidence

To assess whether there is a case for deprivation on the grounds of fraud you must investigate the allegation by gathering evidence and establishing the facts on the balance of probabilities. This means that you must find it is more likely than not that the person gained citizenship by means of fraud, based on all the evidence available to you.

Your investigation will vary according to the nature of the alleged fraud, but all evidence used in a decision to deprive will be required to withstand judicial scrutiny.

Although not an exhaustive list, when considering deprivation action, you must consider the following:

- whether the evidence meets the necessary standard of proof
- whether the evidence is weak or based on unsubstantiated or uncorroborated material
- whether there is evidence which undermines the alleged guilt of the person or which contradicts the allegations
- whether there is evidence that the allegations are malicious

Contacting the person

Once you have gathered sufficient evidence, you must send the person an investigation letter setting out the allegation that they obtained British citizenship by means of fraud and inviting them to respond and to offer any mitigating circumstances that may explain their actions.

The investigation letter should set out the basis of the allegation and the evidence collected to support the proposed decision to deprive. The letter should be clear that a decision has not yet been made about whether to deprive them of their citizenship. If the letter is posted, you must send it by recorded delivery post and note the details on the case file. You must allow 21 calendar days for a response to the investigation letter.

In most cases, 21 days will be sufficient time to formulate a response even if the person has to consult a legal adviser. Extension requests must be agreed by a Senior Caseworker and should generally be for no longer than a maximum of 3 months.

Where you are satisfied there is sufficient evidence that citizenship was obtained by means of fraud, false representations or concealment of material fact, then it will generally be appropriate to recommend deprivation action, taking into account any [mitigating factors](#) and whether deprivation is [ECHR](#) compliant.

Further enquiries

As part of the investigation it is likely that you will need to liaise with other areas of the Home Office or with other Government departments. You must always act in compliance with information management principles.

If evidence is required from overseas, you must first consider approaching Immigration Enforcement International (IEI) for assistance. Other government departments such as the Foreign, Commonwealth and Development Office may also be able to help.

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You must consider if further enquiries will add value to the investigation. You should not spend time making additional enquiries which are unlikely to yield sufficient evidence which meets the standard of proof, particularly if they will result in an unreasonable delay to the investigation.

Allegations

You may receive allegations from third parties that a person engaged in fraud in order to obtain permission to stay in the UK and/or British citizenship.

You must bear in mind that an uncorroborated allegation is, in itself, unlikely to be sufficient to discharge the standard or burden of proof. Where you have received an allegation, you must consider if there is merit in investigating further.

For example, if you already have sufficient evidence to establish on the balance of probabilities that a person engaged in fraud to obtain British citizenship, there will be no benefit in investigating additional allegations.

Investigations leading to other concerns

It is not unusual for a deprivation investigation to uncover evidence of other fraud or criminal behaviour. This may include evidence of fraud relating to family members of the person subject to the deprivation investigation. In such instances you must raise a new case and put together an evidence collection plan. You must ensure that details of the new case are correctly recorded.

You may also uncover evidence of wider fraud, for example with a number of persons using the same modus operandi. In such instances, you must liaise with colleagues within the appropriate intelligence network, advising them of what you have discovered.

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Making the decision to deprive on the grounds of fraud

There is no specific time limit within which a deprivation decision may be made. A person to whom [section 40 of the BNA 1981](#) applies remains indefinitely liable to deprivation on the terms outlined above. However, as noted above, you must consider the factors surrounding any [delay](#) in making the decision to deprive.

Once your investigation and consideration of evidence are complete and you are satisfied there is a case for deprivation, you must make a recommendation to deprive.

You must prepare a summary for senior managers setting out the evidence and the person's response to the investigation letter setting out the allegations against them. Decisions to deprive on the basis of fraud are made at grade 7 level.

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Service of the deprivation notice

This section tells you how to notify a person about the decision to deprive.

You must normally notify the person once a decision to deprive them of British citizenship has been made. Under [section 40\(5\) British Nationality Act \(BNA\) 1981](#) the decision must be given in writing, together with the reasons for the decision and details of the person's right of appeal.

In some circumstances a decision to deprive may be taken without giving notice – see [deprivation without notice](#) for further guidance.

If you are giving notice of a decision to deprive, the deprivation notice must clearly set out the reasons why the person is being deprived of citizenship. You must normally give as much detail as possible, together with any evidence you rely on to support your decision, unless to disclose such detail would present a risk to the safety and security of the UK.

Under Regulation 10 of the [British Nationality \(General\) Regulations 2003](#), the deprivation notice can be served by the following means:

- by post to an address in the UK or overseas, via normal or recorded delivery
- by fax
- by email
- by document exchange
- by courier
- by hand

The deprivation notice may also be served on the person's representative or, if the person is under 18, on their parent or guardian, or to the last known address for the individual or their representative.

You must record on the file or on CID or Atlas when you have sent a deprivation notice, to whom and by what method of delivery. If sending by post, recorded delivery is preferred.

Deprivation notices are deemed served within the following timescales:

- if sent by post to an address in the UK, 2 days after it is sent
- if sent by post to an address overseas, 28 days after it is sent
- where it is sent by recorded delivery, when the postal record shows it is delivered
- where the notice is sent by document exchange, on the day after the day on which it is sent
- if sent by any other means, when it is delivered or sent

Making a Deprivation Order

Once notice has been given of a deprivation decision, a deprivation order, which is what legally removes a person's British citizenship, can be made (but see [Deprivation without giving notice](#)).

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Deprivation without giving notice

This section tells you how to proceed when notice of a decision to deprive cannot be given.

Background

Under [section 40\(5A\) of the British Nationality Act \(BNA\) 1981](#) the Secretary of State may deprive an individual of their British citizenship under section 40(2), section 40(3) or section 40(6) without giving notice. This may be where there is insufficient information needed to be able to give notice or where it is considered necessary in the interests of:

- national security
- the investigation or prosecution of organised or serious crime
- preventing or reducing a risk to the safety of any person
- the relationship between the United Kingdom and another country

A decision to deprive without giving notice can be used where the decision to deprive is made on the grounds of fraud or on the ground it is conducive to the public good.

Where the decision to deprive is being made under section 40(2) on the ground that it is conducive to the public good, paragraph 1(1) of [Schedule 4A to the BNA 1981](#) requires an application to be made to the Special Immigration Appeals Commission (SIAC) before a deprivation order is made.

If a deprivation order has already been made, paragraph 1(2) of [Schedule 4A to the BNA 1981](#) requires the Secretary of State to make an application to SIAC within 7 days of the deprivation order being made. An application to SIAC must be made on the SIAC deprivation of citizenship without notice application form.

SIAC's role is to provide judicial oversight of cases on the same principles as would apply in a judicial review and to determine whether the Secretary of State's view, in respect of the reason(s) not to give notice, is obviously flawed.

[Schedule 4A](#) also sets out the requirement to regularly review cases where a decision to deprive on the ground that it is conducive to the public good is made without first giving notice.

Consideration

You must consider all of the evidence available to you and give appropriate weight when deciding whether to recommend not giving notice. Where evidence has already been assessed by law enforcement or government agencies, it will usually be reasonable to rely on that assessment without undertaking your own consideration of the reliability of the underlying evidence.

If you consider there is sufficient reason under [section 40\(5A\)](#) not to give notice of a decision to deprive, you must include a recommendation to that effect in your recommendation to deprive.

Your recommendation must be based on the facts of the case and must set out:

- the relevant grounds
- why not giving notice is appropriate and why the criteria in section 40(5A) is met
- the evidence you have considered to support your conclusion

In all cases where you are not giving notice of a decision to deprive, you must give late notice to a person deprived of citizenship if that person later makes contact directly with the Home Office.

Applications to the Special Immigration Appeals Commission (SIAC)

[Section 7 of The Special Immigration Appeals Commission \(Procedure\) \(Amendment\) Rules 2023](#) inserts Part 4A to [the Special Immigration Appeals Commission \(Procedure\) Rules 2003](#) (the procedure rules) and sets out the process to be followed when making an application to SIAC.

If you intend to make a decision to deprive on the ground that it is conducive to the public good, without giving notice, under [paragraph 1\(1\) of Schedule 4A of the BNA](#) you may make an application to SIAC in advance of making the deprivation order. However, should a decision be made to make a deprivation order whilst SIAC is considering the application, you must inform them of this development.

If you have already made the deprivation order, under [paragraph 1\(2\) of Schedule 4A](#) you must make an application to SIAC within 7 days of making the order.

You may also make an application to SIAC at any time for fresh consideration of a decision to rely on section 40(5A) if there is a material change in the circumstances of the case or you wish to provide further evidence.

The SIAC deprivation of citizenship application form must set out the reasons and considerations made to deprive the person without giving notice. The person must be identifiable and where the information is available the form should also include their:

- name
- date of birth
- nationality
- Home Office reference

Official – sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: end of section

Determination of the Special Immigration Appeals Commission

Under Rule 25E of the [procedure rules](#), SIAC is required to issue its determination within 14 days of receiving an application. Where SIAC determines that the Secretary of State's view is obviously flawed, you must, within 14 days either:

- give notice of the decision to deprive
- withdraw the deprivation order
- make a fresh application for consideration by SIAC

Fresh applications can only be made where there is a material change to the circumstances of the case and / or the Secretary of State wishes to provide further evidence.

Review of decisions not to give notice

[Paragraph 2 of Schedule 4A to the BNA](#) provides for a period of review of cases where notice of a deprivation decision is not given.

If SIAC determines that the Secretary of State's view is not obviously flawed, the first review period starts the day after the day on which the Commission first determined the application. Cases must be reviewed every four months up to a maximum of two years.

During each four-month review period, you must actively review the circumstances of the case and decide whether any of the conditions in section 40(5A) of the BNA 1981 still apply or whether it is appropriate to give late notice of the deprivation decision.

Where a decision is made that notice should be given and none of the reasons in section 40(5A) of the BNA 1981 apply, you must give notice of the deprivation decision as soon as reasonably practical. Once notice is given, the requirement to review ends.

Official – sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: end of section

At the end of the final review period, that is after two years from the original SIAC determination that the decision not to give notice was not obviously flawed, if you

consider there is still a reason not to give notice in accordance with section [40\(5A\) of the BNA 1981](#), you must make a final application to SIAC.

Once SIAC issues its determination, this ends the legal requirement to actively review the case.

Related content

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Appeals

This section tells you about appeals against a deprivation notice.

[Section 40A of the British Nationality Act \(BNA\) 1981](#) and [section 2B of the Special Immigration Appeals Commission Act 1997](#) provide for a right of appeal against a decision to deprive a person of citizenship. This right may be exercised from abroad or from within the UK. The appeal will be heard in the First-tier Tribunal (Immigration and Asylum Chamber), or the [Special Immigration Appeals Commission](#) (SIAC) if the case has been certified for one of the following reasons in section 40A(2):

- in the interests of national security
- in the interests of the relationship between the United Kingdom and another country
- otherwise in the public interest

In cases where deprivation powers have been delegated to Governors or Lieutenant-Governors, the respondent to any appeal under section 40A(1) of the BNA 1981 or section 2B of the SIAC Act 1997 will be the relevant Governor or Lieutenant-Governor.

When the decision notice is served the person concerned must be informed about the right to appeal. For more information on appeals, please see guidance on rights of appeal.

You must ensure that all the evidence gathered to support the decision to deprive is included in the appeal bundle for use in court. See guidance on Appeals for further information.

Where a decision is made to deprive a person of British citizenship without giving notice, under [section 40A\(2A\) of the British Nationality Act 1981](#) the time limit for appealing does not start until the person is given notice of the deprivation decision.

However, if the deprivation order was made prior to the commencement of [section 10\(2\) to \(5\) of the Nationality and Borders Act 2022](#), under section 10(8) the time limit for appealing starts from the date of the deprivation order.

Related content

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Deprivation of right of abode

This section tells you about depriving a person of the right of abode in the UK.

Following deprivation of citizenship, a person may still hold the right of abode. You will need to consider whether it is also appropriate to deprive them of that status. For further information on deprivation of the right of abode please see the Right of Abode guidance.

Related content

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