



## United Kingdom - C3, C4, C7 v Secretary of State for the Home Department

The Special Immigration Appeals Commission (SIAC) allowed an appeal against the Secretary of State's decision to deprive C3, C4 and C7 of their British citizenship, and found that the decision to deprive C3, C4 and C7 of their citizenship breached s.40(4) of the British Nationality Act 1981, as it would render the appellants stateless. On the date of the deprivation decision, it was found that C3, C4 and C7 did not have Bangladeshi citizenship under the law of Bangladesh and the Secretary of State therefore could not deprive them of their British citizenship.

**Case status:** Decided

**Date of decision:** 18/03/2021

**State:** United Kingdom

**Court / UN Treaty Body:** The Special Immigration Appeals Commission

**Language(s) the decision is available in:** English

**Applicant's country of birth:** Bangladesh

**Applicant's country of residence:** United Kingdom

**Legal instruments:** 1961 Statelessness Convention

**Key aspects:** Deprivation of nationality

**Relevant Legislative Provisions:**

- Section 40, British Nationality Act 1981
- Regulation 10 of the British Nationality (General) Regulations 2003

### **Facts**

The case concerned three applicants, C3, C4 and C7, each of whom were British citizens subsequently deprived of their British citizenship by the Secretary of State on national security grounds under s. 40(2) of the British Nationality Act 1981. C3 and C4 had been born in the UK, while C7 had been born in Bangladesh.

### **Legal arguments by the applicant**

The applicants argued that, as at the time of the Secretary of State's decision to deprive them of their British citizenship, they had no nationality other than that of the UK. They asserted that the power exercised by the Secretary of State had not been available in those circumstances, as they would in consequence be rendered stateless. C3, C4 and C7 relied upon s. 40(4) of the British Nationality Act 1981, which prohibits the Secretary of State from making such an order if satisfied that doing so would render a person stateless.

Finally, the applicants argued that the Secretary of State had failed to give the requisite written notice of her decision to make an order depriving them of their British citizenship.

### **Legal arguments by the opposing party**

The Secretary of State countered that the applicants were in fact also nationals of Bangladesh, with the result that the order would not render them stateless.

### **Decision & Reasoning**

After assessing provisions of Bangladeshi law and considering the relevant expert evidence, the Special Immigration Appeals Commission ("the Tribunal") concluded that Bangladeshi law operated so as to deprive the applicants of their Bangladeshi citizenship when they had turned 21 years old. It followed that the applicants had persuaded the Tribunal that, on the dates when the decisions and orders to deprive them of British citizenship were made, they were not nationals of Bangladesh (or indeed of any State other than the UK). Accordingly, the Secretary of State's orders depriving them of their British citizenship would render them stateless. Due to s. 40(4) of the 1981 Act, the Secretary of State had no power to make orders with such a consequence. For that reason, C3, C4 and C7's appeals against the citizenship deprivation order decisions succeeded. Having found that the Secretary of State's decision was itself unlawful, the Tribunal concluded that it was unnecessary for it to address the further argument concerning the alleged lack of requisite written notice.

### **Decision documents**

[C3C4-C7-Open-Judgment-18.03.2021-JA.pdf](#)

### **Outcome**

The Tribunal determined that the Secretary of State's decisions and orders depriving the applicants of their British citizenship would make them stateless as the

applicants did not hold Bangladeshi citizenship at that time. The appeal therefore succeeded.

**Links to other relevant materials related to the case (blogs, analysis, articles, reports, etc.)**

The Guardian, [Three British-Bangladeshis win appeal against removal of UK citizenship](#) (18 March 2021)

Free Movement Blog, [Three win appeals against losing British citizenship](#) (22 March 2021)

**Caselaw cited**

- *AL (Albania) v SSHD* [2019] EWCA Civ 950
- *Al-Jedda v SSHD* [2014] AC 253
- *B2 v SSHD* [2013] EWCA Civ 616
- *Devaseelan v SSHD* [2003] Imm AR 1
- *E3 and N3 v SSHD* [2020] 1 WLR 1098
- *Hashi v SSHD* [2016] EWCA Civ 1136
- *Pham v SSHD* [2015] 1 WLR 1591
- *R (W2) v SSHD* [2017] EWCA Civ 2146
- *Shamima Begum v SSHD* [2021] UKSC 7
- *SI v SSHD* [2016] EWCA Civ 560