IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-004190
First-tier Tribunal No:
DC/50077/2020

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 28 June 2023

Before

UPPER TRIBUNAL JUDGE BLUNDELL

Between

AGIM LASKU
(NO ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:
For the Appellant: Sara Anzani, instructed by Morgan Pearse Solicitors
For the Respondent: Susana Cunha, Senior Presenting Officer

Heard at Field House on 30 May 2023

DECISION AND REASONS

1. On 24 April 2023, a panel of the Upper Tribunal (Dove J and UTJ Blundell) found that the First-tier Tribunal (Judge Farrelly) had erred in law in allowing the appellant's appeal against the respondent's decision to deprive him of British citizenship. We set aside the decision on the appeal insofar as it related to Article 8 ECHR and we directed that the decision would be remade in the Upper Tribunal.

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Background

2. The relevant factual background was set out at [3]-[7] of the Upper Tribunal's decision and may as well be reproduced here, so as to provide context for what follows.

3. The appellant was born in Albania on 11 August 1979. He entered the United Kingdom on 3 December 1997 and claimed asylum. He gave his correct name but stated that he was a Kosovan national who had been born on 11 August 1980. He was granted Exceptional Leave to Remain ("ELR") in April 1998. He subsequently applied for and was granted Indefinite Leave to Remain in 2003. The appellant made an application for naturalisation as a British citizen in 2003. The application was granted on 9 May 2005. Each of these applications was made using the incorrect date of birth and nationality first given by the appellant.

4. The appellant's mother made an application for a visit visa on 6 March 2009. In that application, she named the appellant as the sponsor and stated that he was an Albanian national. As she had apparently done on previous occasions, she submitted a copy of the Family Registration Certificate with that application, showing that the appellant was an Albanian national, and giving his correct date of birth.

5. An investigation then took place, and a letter was sent to the appellant on 2 June 2009, notifying him of the respondent's belief that he had acquired British citizenship by deception. In response to that letter, the appellant's then solicitors confirmed in writing that the appellant had lied in his dealings with the Home Office because he wanted a better standard of life than he had had in Albania. The letter from the appellant's solicitors drew attention to the appellant's circumstances in the UK, including his marriage to a woman who had also naturalised and to the birth of their son on 27 August 2005. That letter and the accompanying documents were sent to the respondent on 17 June 2009.

6. No further action was taken by the respondent until 22 July 2020, when she sent a letter to the appellant which was very similar to that which she had sent in 2009. The appellant's then solicitors responded promptly, on 4 August 2020, making representations against the respondent's proposed course of action. Amongst other things, this letter stated that an interpreter was to blame for the appellant's initial lie; that he and his wife now had two children; and that there had been a significant delay in progressing matters. It was submitted that the delay had been prejudicial to the appellant, who would otherwise have benefited from 'the 14 year rule' before its deletion from the Nationality Instructions in August 2014.

7. On 11 December 2020, the respondent decided to deprive the appellant of his British citizenship. She concluded that he had obtained naturalisation by means of deception and that it was appropriate to deprive him of the citizenship he had obtained in that way. She did not consider that taking that course of action would be in breach of Article 8 ECHR.

Proceedings on Appeal

8. I need not make extensive reference to the proceedings before the First-tier Tribunal. Ms Anzani of counsel represented the appellant then as she does now.

She accepted that the condition precedent for deprivation was made out, which is to say that she accepted that the appellant had obtained British citizenship by means of deception. Ms Anzani submitted orally and in her skeleton argument of 10 March 2022 that the 'sole issue under consideration is whether the decision breaches the appellant's human rights or there is some exceptional feature of the case which means the discretion should be exercised differently'. The judge in the First-tier Tribunal recorded and accepted Ms Anzani's concession as to the condition precedent: [25]. He found that Article 8 ECHR was engaged: [26]. For reasons he gave at [27]-[32], the judge found that it would be contrary to Article 8 ECHR to deprive the appellant of his citizenship. It was that conclusion which Dove J and I set aside in our first decision.

9. In preparation for the resumed hearing, the appellant's solicitors had filed and served an updated bundle of 134 pages. Ms Anzani had filed and served an updated skeleton argument. She confirmed at [19] of that skeleton argument that the sole issue was whether the deprivation of the appellant's citizenship was unlawful under section 6 of the Human Rights Act 1998 (by reference to Article 8 ECHR).

10. At [30] of Ms Anzani's skeleton argument, she made it clear that she intended to rely upon a submission that the 'limbo period' (ie, the period between the appellant being deprived of his citizenship) was likely to be considerably longer than the eight weeks suggested by the Secretary of State at [91] of *Hysaj (Deprivation of Citizenship: Delay)* [2020] UKUT 128 (IAC). Relying on a Freedom of Information ("FOI") response dated 11 March 2021, Ms Anzani sought to submit that the period between deprivation and a decision as to whether or not to grant leave to remain was 303 days on average.

11. Ms Anzani provided a copy of the FOI response. I was able, in any event, to confirm with reference to the First-tier Tribunal's database, that a copy of that document had been adduced in connection with those proceedings. I nevertheless gave Ms Cunha time to take instructions on the up-to-date position. I gave her an hour to make those enquiries.

12. When the hearing resumed, Ms Cunha said that she was unable to provide an update. She did indicate that she would be prepared to give an undertaking that the appellant's Article 8 ECHR claim would be considered within eight weeks in the event that he was prepared to sign a consent order withdrawing his appeal. Having taken instructions, Ms Anzani confirmed that the appellant was not willing to take that route. Neither advocate sought any additional time and I proceeded to hear oral evidence from the appellant.

13. I do not propose to rehearse the appellant's oral evidence. I will instead make reference to his evidence insofar as it is necessary to do so to explain the findings of fact I have reached.

Submissions

14. Ms Cunha's submissions for the respondent were, in summary, as follows.

15. The only question before the Tribunal was in relation to Article 8 ECHR. There was 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: *Laci v SSHD* [2021] EWCA Civ 769; [2021] 4 WLR 86, approving *Hysaj* in the Upper Tribunal. That weight was particularly heavy in circumstances in which the appellant had lied about his background on so many occasions. The appellant did not voluntarily 'come clean'; it was only when the respondent had evidence which suggested that he was Albanian that he admitted as much.

16. The appellant had not made enquiries about his situation between 2009 and 2020 and had acquiesced in the respondent's delay. Notably, he had applied for a new passport in the false identity during that period and he had confirmed in evidence that he had used that passport to travel. The delay was in any event explained by the litigation which was in progress at that time. The respondent did not know whether to deprive a person in the appellant's circumstances of their citizenship or, instead, whether she should treat their citizenship as a nullity. The history of the protracted litigation which culminated in the decision of the Supreme Court in *Hysaj v SSHD* [2017] UKSC 82; [2018] 1 WLR 221 was traced at [46]-[63] of the Upper Tribunal's decision in that case on remittal. The Secretary of State had taken action in this case after considering what was said by the Supreme Court and obtaining further evidence about the appellant's true identity. In the circumstances, delay was not a weighty consideration in the scales of proportionality.

17. The appellant was to submit that he and his family would suffer serious adversity as a result of the limbo period. Even if that period was as much as 303 days, however, the deprivation of citizenship was proportionate. The appellant's wife would be permitted to work whilst he looked after the children. He had funds to pay the mortgage, although he had only reluctantly disclosed the existence of those savings. He could ask for a payment holiday or for public funds if necessary.

18. The appellant's eldest son could still go to university if his father was unable to work. He could take loans and grants and he would be entitled to work part time. Many students were in the same position and could not turn to their parents for funding for tertiary education. The second child's education would continue regardless of whether the appellant was in work.

19. Ms Anzani's submissions for the appellant may be summarised as follows.

20. The delay in this case was such as to reduce the public interest in deprivation by a considerable margin. The appellant had admitted his deception - through Palis Solicitors - by June 2009. It had taken a further eleven years for the Secretary of State to take action to deprive him of his citizenship. It was only now that the respondent said that the appellant had acquiesced in the delay. Whilst there was ongoing litigation during that period, the explanation given by the respondent was bordering on nonsensical. She did not need anything more than the appellant's confirmation that he had lied and if she was waiting for the outcome of the litigation, she should have told him. Given the amount of time which had passed the appellant legitimately thought that he had been forgiven.

21. The appellant's youngest child had been born during the period of delay. Both children were British, as was the appellant's wife. The delay was as relevant in this case as it was in *Laci v SSHD*. The appellant had been in the UK for 25 years and had used that time wisely, buying a property and paying tax on his income.

He now had two children who were in full time education and were fully dependent on him and his wife.

22. In considering the limbo period, there was no certainty that it would end with the appellant being granted leave. Even if he was granted leave, it would probably be limited leave and he would have to apply for further leave after thirty months. The average period of limbo was as disclosed in the FOI response; there was no reason to think that it was any shorter now. The appellant would have no status during that ten month period. He would not be entitled to state support, or to NHS treatment, and he would have to surrender his driving licence. There would be a series of 'real world consequences'. In the event that the appellant sought to rent a property, he would be in difficulty because a landlord would be required to check his immigration status.

23. The appellant had enough by way of savings to cover the mortgage for around five months. His wife had been seeking additional employment but had been unable to find another job. The reasonably foreseeable consequences of deprivation included a very real risk that the family would become homeless. After eleven years of delay, 'how on earth' could it be proportionate to render the children homeless in that way, asked Ms Anzani. Insofar as the respondent submitted that the appellant could fall onto public funds to support his family, it was not clear why such a step was thought to be proportionate. The appeal should be allowed on Article 8 ECHR grounds accordingly.

24. I reserved my decision at the end of the submissions.

Analysis

25. A person who appeals against a decision taken under s40 of the British Nationality Act 1981 does not have available to them the statutory ground of appeal that the decision is unlawful under section 6 of the Human Rights Act 1998. It has been accepted since *Deliallisi (British citizen: deprivation appeal: Scope)* [2013] UKUT 439 (IAC), however, that a Tribunal considering an appeal under s40A is required to consider the lawfulness of the respondent's decision with reference to the ECHR. Whilst a great deal of water has flowed under the bridge since that decision, everything said in the Upper Tribunal, the Court of Appeal or the Supreme Court since *Deliaillisi* has served to confirm the correctness of this aspect of the Upper Tribunal's analysis.

26. In *Aziz v SSHD* [2018] EWCA Civ 1884; [2019] 1 WLR 266, however, the Court of Appeal held that the scope of the analysis required by *Deliallisi* and other Upper Tribunal decisions was too wide. Sales LJ, as he then was, held that it was unnecessary in such cases to conduct a 'proleptic analysis of whether each appellant would be likely to be deported or removed at a later stage'. The focus, instead, should be on the 'reasonably foreseeable consequences of deprivation of citizenship'. Sir Stephen Richards and the Master of the Rolls agreed.

27. In *Muslija (deprivation: reasonably foreseeable consequences)* [2022] UKUT 337 (IAC), the Upper Tribunal (UTJ Allen and UTJ Stephen Smith) drew together the relevant principles from the cases decided since *Aziz v SSHD*. Neither advocate before me suggested that any aspect of the guidance given in *Muslija* was wrong and it is convenient to set out the judicial headnote in full:

> (1) The reasonably foreseeable consequences of the deprivation of citizenship are relevant to an assessment of the proportionality of the decision, for Article 8(2) ECHR purposes. Since the tribunal must conduct that assessment for itself, it is necessary for the tribunal to determine such reasonably foreseeable consequences for itself.
>
> (2) Judges should usually avoid proleptic analyses of the reasonably foreseeable consequences of the deprivation of citizenship. In a minority of cases, it may be appropriate for the individual concerned to demonstrate that there is no prospect of their removal. Such cases are likely to be rare. An example may be where (i) the sole basis for the individual's deprivation under section 40(2) is to pave the way for their subsequent removal on account of their harmful conduct, and (ii) the Secretary of State places no broader reliance on ensuring that the individual concerned ought not to be allowed to enjoy the benefits of British citizenship generally.
>
> (3) An overly anticipatory analysis of the reasonably foreseeable consequences of deprivation will be founded on speculation. The evidence available and circumstances obtaining at the time of making of the deprivation order (and the appeal against that decision) are very likely to be different from that which will be available and those which will obtain when the decision regarding a future application or human rights claim is later taken.
>
> (4) Exposure to the "limbo period", without more, cannot possibly tip the proportionality balance in favour of an individual retaining fraudulently obtained citizenship. That means there are limits to the utility of an assessment of the length of the limbo period; in the absence of some other factor (c.f. "without more"), the mere fact of exposure to even a potentially lengthy period of limbo is a factor unlikely to be of dispositive relevance.
>
> (5) It is highly unlikely that the assessment of the reasonably foreseeable consequences of a deprivation order could legitimately extend to prospective decisions of the Secretary of State taken in consequence to the deprived person once again becoming a person subject to immigration control, or any subsequent appeal proceedings.

28. At [27] of *Muslija*, the Upper Tribunal noted that the decision letter in that case stated that consideration would be given to granting the appellant a limited form of leave within eight weeks of a deprivation order being made. The same period was given at [44] of the letter which was sent to the instant appellant on 11 December 2020, which stated as follows:

> In order to provide clarity regarding the period between loss of citizenship via service of a deprivation order and the further decision to remove, deport or grant leave, the Secretary of State notes this period will be relatively short:
>
> A deprivation order will be made within four weeks of your appeal rights being exhausted, or receipt of written confirmation from you or your representative that you will not appeal this decision, whichever is the sooner.

> Within eight weeks from the deprivation order being made, subject to any representations you may make, a further decision will be either to remove you from the United Kingdom, commence deportation action (only if you have les then 18 months of a custodial sentence to serve or have already been released from prison), or issue leave.

29. Similar indications were given in other cases, including *Hysaj* itself. I note that the pandemic was still in its first year when this indication was given to the appellant. The FOI response upon which Ms Anzani relies suggests that the respondent was not able to comply with this self-imposed timetable by March 2021. According to data which the respondent extracted in compliance with that FOI request on 30 March 2021, the average time taken by the Status Review Unit to grant temporary leave following an earlier decision to deprive citizenship on grounds of fraud was 303 days, from the date on which appeal rights were exhausted.

30. I note that this letter is dated 31 August 2021 and that the data it contains is now more than two years old. It may now take the respondent a shorter period of time to consider these cases. It may take even longer. I simply do not know. The reality of this case, however, is that the respondent has known about the appellant's reliance on this letter since it was uploaded to the MyHMCTS system in connection with the appeal to the FtT. Even though it has been in the respondent's possession in connection with this case for more than a year, I gave Ms Cunha additional time in which to make enquiries about the current timescales. She was not given any information which shed any further light on the subject. As Ms Anzani submitted, there is accordingly no reason to proceed on any other basis, and I will assume for present purposes that the average 'limbo' period in a case such as this is around 10 months. (It is to be hoped that the respondent will have the relevant information in her possession when a case such as this is to be heard; the length of the limbo period is a relevant consideration and it is unsatisfactory in the extreme that the Tribunal is reduced to relying on such old data.)

31. I agree with Ms Cunha's submission that I should not look beyond the time it takes the respondent to reach a decision on whether or not to grant the appellant a period of leave to remain. To do so would be to embark upon the type of proleptic assessment against which the Court of Appeal cautioned in *Aziz v SSHD*. My focus, therefore, is on the reasonably foreseeable consequences which will be brought about during the ten months that the appellant is likely to have to wait for that decision.

32. Ms Anzani painted a bleak picture of the lives of the appellant and his family during that period. In certain respects, I agree with those submissions. It is certainly the case that the appellant would be exposed to the 'hostile' or 'compliant' environment whilst he awaits the decision. He would not be allowed to work. He would not be allowed to rent property in his own name. He would not be allowed to drive and his driving licence would be recalled. He could not access NHS treatment.

33. The real question, however, is not as to the appellant's exposure to the hostile environment, it is as to the consequences of such exposure in this individual case. The appellant is not, for example, in receipt of any NHS treatment and it is not said that his health will be placed in jeopardy if he is not permitted to use

NHS treatment without charge. Ms Anzani therefore focuses principally on the difficulties which will be caused to the appellant and his family by the fact that he will not be allowed to work during the limbo period. In order to consider the severity of the consequences which might arise as a result of that prohibition, I should first set out the family's current circumstances.

34. The appellant is currently employed in two jobs. He is contracted to work 40 hours per week as a hospitality or catering assistant and he also works part time at a takeaway. His current monthly income is just over £3000 per month after tax. His wife works part time as a hairdresser, earning just over £1000 per month after tax. They live in their own home which is subject to a mortgage of £1250 per month. The property was purchased by the appellant and his wife in February 2018 for just under £500,000. As at 6 August 2021, the outstanding balance on the mortgage was £336134.33. I have no breakdown of their monthly bills but I note that I have been provided with a Council Tax bill for the current year which shows ten monthly payments of £239. The water bill for last six months was £228.80. The current account statement shows Direct Debit payments to Shell UK (£85) and Nationwide Home Insurance (£22.51), in addition to payments for mobile phones and what I assume to be car insurance.

35. In his most recent witness statement (24 May 2023), the appellant made reference to his 'small savings'. I noted that no statement from any savings account was adduced in the updated bundle. I also noted that there was a payment of £5000 into the appellant's Natwest current account from another account on 22 March 2023. I asked the appellant where that money had come from. He said that it had come from his savings account with Nationwide. The appellant said that he had recently transferred money from that account into his current account, so that the balance of the latter was £5677. The balance of the Nationwide account was £1034. Ms Anzani was able (without objection from Ms Cunha) to confirm both of these sums by looking at the appellant's balance on the internet banking apps on his mobile telephone.

36. Although the way in which this evidence emerged was unsatisfactory, I considered the appellant to have given a truthful account of his financial circumstances by the end of his oral evidence. There are no indications of any other accounts within the financial material before me and I think it unlikely that he has any other savings. I proceed on the basis that he has a little under £7000 in savings.

37. Upon the appellant being served with the final deprivation order, he would no longer be allowed to work. The family's income would reduce to a quarter of what it is now. As Ms Anzani observed, the appellant's wife's current income would be insufficient even to pay the mortgage.

38. The appellant's wife is said to have looked for alternative or additional employment but there is no documentary evidence of those researches or that they have come to nought. That is a matter which is eminently capable of being proved, whether by letters following interviews or documents from the Job Centre. They live in Enfield, within easy commuting distance of central London, and it is inherently unlikely that she is unable to find any additional work. I do not accept on the balance of probabilities that she would be unable to find additional work in order to supplement the family income during the limbo period. In the event that a deprivation order is served, there will obviously be considerable impetus to secure such employment.

39. The appellant's wife's payslips show that she works 96 hours per calendar month. If she worked for an additional 16 hours per week, that would bring her hours to 40 hours per week, and would generate more than £650 per month extra, at the minimum wage. The family's savings are in the region of £7000, as I have explained above. Over seven months, those savings would provide an additional £700 per month.

40. Taking the appellant's wife's current salary (£1028), the additional income she can be expected to earn from additional employment (£650), and the income from the family's savings (£700), I calculate that they would have available to them just under £2500 per month for the average ten month limbo period. That sum would enable the mortgage and the bills to be paid. It would undoubtedly leave little for food and clothing and I have no doubt that the family would find their financial circumstances to be very strained. On the evidence before me, however, I do not accept Ms Anzani's submission that they would be rendered homeless by a deprivation order followed by a ten month limbo period. Nor do I accept the suggestion in the appellant's wife's statement that the family would be unable to afford 'basic necessities' for the children.

41. The eldest child of the family is 17 years old. He is evidently an intelligent and promising student and there is evidence before me to show that he has an offer to study a bachelor's degree in Business Management at the University of Greenwich in September 2023. The tuition fees for the course are £9250 per annum. The appellant had hoped to assist his son with the cost of the course. In the event that he is served with a deprivation order, and the family finances are strained in the manner I have described above, the appellant will not be able to provide any such assistance in this financial year. That would not prevent his son from attending university; grants and loans are available, as Ms Cunha submitted.

42. The financial strain, the resulting stress, and the fact that the appellant's eldest son will need to accrue debt in order to attend university, will be to the detriment of the family. I accept that these pressures will be contrary to the best interests of the children. They have evidently enjoyed a relatively comfortable lifestyle and all that will change during the limbo period. Whilst the children are old enough to be reasoned with and to understand such difficulties to some extent, it will undoubtedly be difficult for them to come to grips with the consequences of their father's exposure to the hostile environment for the best part of a year. I accept that the consequences for the family as a whole, and the best interests of the children in particular, militate against the making of the deprivation order, albeit not to the extent contended for by Ms Anzani.

43. I have taken into account the other matters mentioned by Ms Anzani at [25] of her skeleton argument. I accept, in particular, that the appellant has lived a blameless life in the UK apart from the lies which he told and maintained about his nationality and date of birth. He admitted his deception when confronted with it in 2009 and has expressed regret for his actions. He has been in the UK for many years and has paid taxes and supported his family. His children were born in the UK and are in full time education here. Whilst the appellant's removal is not in contemplation in this appeal, I accept that these matters are relevant to my consideration of proportionality. Depriving the appellant of his citizenship will disrupt the family's life as they currently know it, due to the appellant's extended exposure to the hostile environment.

44. I turn now to the public interest in depriving the appellant of his citizenship. As Ms Cunha recalled in her submissions, the starting point for that assessment is the Court of Appeal's endorsement in *Laci v SSHD* of what was said by the Upper Tribunal at [110] of its decision in *Hysaj*:

> 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.

45. Underhill LJ went on to emphasise the importance of the words 'without more' in that paragraph. In *Laci v SSHD*, it was the respondent's prolonged and unexplained delay *and* the appellant's belief that she was not going to take any action against him which had entitled the FtT to conclude that deprivation of citizenship would be a disproportionate course. Ms Anzani submits that the facts here are similar to those in *Laci v SSHD* and that the delay might properly be categorised as rather worse. In *Laci v SSHD*, the appellant was first contacted by the Home Office in 2009 and deprivation action was finally taken in 2018. In the instant case, the appellant was first contacted in 2009 but deprivation action was not taken until 2020.

46. The appellant maintains that he had come to believe as a result of the respondent's inaction that she had decided not to proceed with a decision to deprive him of citizenship. In that respect, he maintains that he is in a similar position to Mr Laci: [51] of Underhill LJ's judgment refers. He said in his oral evidence that he thought that the Home Officer had 'forgiven' him. I do not accept the appellant's evidence in this regard. He was represented by solicitors throughout this period and it was common knowledge that the respondent had decided to await the outcome of the *Hysaj* litigation before taking decisions on cases such as this. Ms Cunha asked the appellant whether he had told Palis Solicitors to chase the Home Office for an update on progress. He said that he had done so and then, after becoming disillusioned with that firm, he had turned to another firm who had 'told me to wait'. Given that it was widely understood at that time that the courts were examining the correctness of *R (Kadria) and R (Krasniqi) v SSHD* [2010] EWHC 3405 (Admin), I consider it more likely than not that the appellant was informed by Palis Solicitors and the other firm that his case – like many others – would have to await the final resolution of the nullity/deprivation question posed in the litigation. There is certainly no documentary evidence before me to show that advice along those lines was not given to the appellant.

47. I should note in this connection that the appellant was issued with a British passport in his Albanian identity in February 2015. Given that the appellant had the benefit of legal advice at that time, however, the fact that that document was issued could not properly have led him to believe that the respondent had decided to forgive his deception. The respondent was not entitled to refuse to issue the appellant with a passport merely because she had intimated that deprivation proceedings were in contemplation; only the final order for

deprivation would provide a proper ground for refusing a passport: *R (Gjini) v SSHD* [2019] EWHC 1677 (Admin); [2021] 1 WLR 5336, at [103].

48. Although I do not accept that the appellant ever believed that the Home Office had 'forgiven' him and had decided to take no action, I do accept that the lengthy delay in this case serves to reduce the public interest in depriving him of his citizenship. That is particularly so in respect of the period after the Supreme Court's judgment in *Hysaj v SSHD* in December 2017. I do not accept Ms Cunha's submission that there was any need for the Home Office to delay matters after that judgment in order to await further evidence from the Albanian authorities; as Ms Anzani submitted, the appellant had admitted his deception and had provided his true nationality and date of birth. The respondent could have taken deprivation action against him from December 2017 onwards, but she took no action until three further years had passed.

49. In my judgment, though, the public interest in depriving the appellant of his British citizenship remains very strong indeed. He lied about his nationality when he claimed asylum, when he applied for a travel document in 2008, and when he applied for Indefinite Leave to Remain in 2002. His continued that lie when he made his application for naturalisation in 2003. It would have been clear from that application and from the accompanying guidance that the appellant was expected to be truthful and that a lack of honesty would be likely to lead to refusal on grounds of character. The appellant was only able to secure British citizenship by perpetuating the lie about his nationality and the lengthy delay in this case does not bring about any marked reduction in the public interest in depriving him of citizenship so obtained.

50. Standing back and weighing all of the relevant factors, I come to the clear conclusion that it would be proportionate to deprive the appellant of his British citizenship. His British citizenship was obtained by deception and the general expectation in such cases it that such citizenship should be withdrawn: *Laci v SSHD*, at [83]. There was a lengthy delay in this case and the deprivation order will place the family under significant financial and related stress which will be contrary to the best interests of the two teenage children. Taking full account of those factors, however, I consider that the public interest in deprivation remains very strong indeed, and comfortably strong enough to outweigh the matters which militate in favour of the appellant and his family.

51. In the circumstances, the appeal will be dismissed.

Notice of Decision

The decision of the First-tier Tribunal having been set aside, I remake the decision on the appellant's appeal by dismissing it.

M.J.Blundell

Judge of the Upper Tribunal
Immigration and Asylum Chamber

19 June 2023