

## **Annex E – Sample notice of decision to deprive**

### **NOTICE OF DECISION TO DEPRIVE OF NATIONALITY UNDER SECTION 40 OF THE BRITISH NATIONALITY ACT 1981**

**Dear (insert name)**

1. On ***date*** you were issued with a certificate of naturalisation/registration as a British citizen.

2. You are aware that the UK Border Agency has, on behalf of the Secretary of State for the Home Department, been actively investigating the manner in which you obtained your status as a British citizen on the grounds that this may have been obtained fraudulently ( this may encompass a false representation or concealment of a material fact ).

3. Following our investigations, and on the basis of the evidence presented, the Secretary of State has decided that you did in fact obtain your British citizenship fraudulently. The Secretary of State has decided that you should therefore be deprived of your British citizenship for the reasons outlined below.

4. *Insert basis of decision including information from referring party(s) and steps taken to verify evidence*

5. *State background to entry to the UK and original claim*

6. *Deal in turn with each point of mitigation raised by subject*

7. *Address human rights claim with following standard line “Although you have suggested your rights under (insert articles raised by subject)of the European Convention on Human Rights will be breached if you are deprived of citizenship, this cannot be the case in the absence of a decision or directions for your removal from the UK.”*

8. In accordance with section 40(5) of the British nationality Act 1981, the Secretary of State gives notice of her decision to make an order to deprive you of British citizenship under section 40 of that Act (as amended by the Nationality, Immigration and Asylum Act 2002).

## **Right of Appeal**

9. You may appeal to the Asylum and Immigration Tribunal against the decision to deprive you of your citizenship, under section 40A(1) of the British Nationality Act 1981. If you wish to appeal you should complete the Appeal Notice attached to this letter and submit this directly to the Asylum and Immigration Tribunal.

## **Impact of Deprivation of Citizenship**

10. If you do not submit an appeal, or if you submit an appeal and it is unsuccessful, the Secretary of State will formally deprive you of British citizenship by Deprivation Order. This means that you will lose the status of British citizen and the associated rights and benefits.

11. It will be open for you to make a claim for asylum under the Refugee Convention once a Deprivation Order depriving you of your British citizenship has been issued. If you were formerly granted refugee status in the United Kingdom, you ceased legally to be a refugee within the definition of the 1951 Geneva Convention on the Status of Refugees on acquisition of British citizenship. As a result, you will not revert in law to holding Refugee Status, or acquire anew any leave that was granted as a result of that status, if you are deprived of British citizenship by Order.

12. It will be open to you to make a claim in relation to any breach of your human rights, including your right to respect for private and family life under Article 8 ECHR, which arises as a result of a decision to remove you from the United Kingdom at the time that Deprivation Order depriving you of your British Citizenship is made. Following the decision to remove and if any appeal you raise against that decision to remove is dismissed, removal directions will be issued in your name in accordance with section 10 of the Immigration and Asylum Act 1999.

13. Your British citizenship and access to associated benefits and rights will not formally be deprived until any appeal you bring against this decision to deprive has been concluded and a Deprivation Order in your name has been issued on behalf of the Secretary of State.

## **Close Letter**

*Caseworker to include form AIT1 and leaflet*

## LEGAL ADVICE AND ASSISTANCE

*The Legal Services Commission (LSC) provided the information for this leaflet.  
The LSC funds legal and advice services in England and Wales.*

The following organisations can provide free and independent legal advice and assistance in relation to your immigration or asylum case:

### **Refugee Legal Centre**

[www.refugee-legal-centre.org.uk](http://www.refugee-legal-centre.org.uk)

Refugee Legal Centre (asylum cases only)  
Nelson House  
153–157 Commercial Road  
London  
E1 2DA  
Telephone: (020) 7780 3200

### **Immigration Advisory Service**

[www.iasuk.org](http://www.iasuk.org)

#### **Southern Regional office**

Immigration Advisory Service  
County House  
190 Great Dover Street  
London  
SE1 4YB  
Telephone: (020) 7967 1200  
Fax: (020) 7378 0665

#### **Wales**

Immigration Advisory Service Cardiff  
211A City Road  
Roath  
Cardiff  
CF2 3JD  
Telephone: (029) 2049 6662  
Fax: (029) 2049 6602

#### **Midlands Region**

Immigration Advisory Service Birmingham  
3rd Floor, King Edward House  
135a New Street  
Birmingham  
B2 4QJ  
Telephone: (0121) 616 3540  
Fax: (0121) 616 2444

#### **Eastern Region**

Immigration Advisory Service Peterborough  
Gladstone House  
316–318 Gladstone Street  
Peterborough  
PE1 2BX  
Telephone: (01733) 555317  
Fax: (01733) 352962

## SCOTLAND

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### **Immigration Advisory Service**

[www.iasuk.org](http://www.iasuk.org)

#### **Northern Region and Scotland**

Immigration Advisory Service Leeds

Lower Ground Floor Suite

Cloister House

Riverside

New Bailey Street

Salford

Manchester

M3 5AG

Telephone: (0161) 834 9942 or

(0161) 832 5192

Fax: (0161) 834 9322

### **Law Centre Northern Ireland**

[www.lawcentreni.org](http://www.lawcentreni.org)

#### **Belfast office**

Law Centre Northern Ireland

142 Donegal Street

Belfast

BT1 2GY

Telephone: (028) 9024 4401

#### **Western Area Office**

Law Centre Northern Ireland

9 Clarendon Street

Londonderry

BT48 7EP

Telephone: (028) 7126 2433

The **Community Legal Service Directory** has details of organisations that provide legal advice, including those offering help free of charge to eligible clients.

The Directory is available at [www.justask.org.uk](http://www.justask.org.uk) or from the CLS Directory Line: 0845 608 1122 or 0044 845 608 1122 if calling from outside the UK.