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Case summary

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## Case ID

UKSC/2023/0133

## Parties

### Appellant(s)

N3

### Respondent(s)

Secretary of State for the Home Department

## Issue

If the Secretary of State withdraws an order depriving a person of citizenship because they accept that the order has made the person stateless, does this mean that the original order is of no effect and the person affected has always retained their British citizenship?

## Facts

N3 is a British Citizen who was born in Bangladesh. In November 2017, the Secretary of State made an order depriving him of citizenship on grounds that he had travelled to Syria and aligned himself with Al-Qaeda, and that he posed a threat to national security. She considered N3 to be a dual British-Bangladeshi national and that depriving him of British citizenship would not make him stateless. N3 appealed the deprivation decision in the Special Immigration Appeals Commission (SIAC), which allowed his appeal. The Secretary of State appealed to the Court of Appeal, which allowed her appeal and remitted the matter to SIAC. N3 sought permission to appeal to the Supreme Court. However, following an SIAC decision in a separate set of appeals in British-Bangladeshi cases where it was held that the individuals had lost Bangladeshi citizenship at the age of 21, the Secretary of State wrote to N3 in April 2021 to say that she was now satisfied that the deprivation order would make N3 stateless, and withdrew the deprivation order. ZA is the child of a man in similar circumstances to N3. She was born after the deprivation order was made against her father, but before it was subsequently withdrawn. If her father had British citizenship when she was born, she would have automatic British citizenship. Both ZA and N3 sought judicial review of the refusal of Secretary of State to accept that ZA's father and N3 were British citizens in the period between the deprivation orders being made and withdrawn. Their claims were linked. Their claims were dismissed by the High Court, and their appeals were dismissed by the Court of Appeal. They now appeal to the Supreme Court.

## Date of issue

22 October 2024

Judgment appealed [\[2023\] EWCA Civ 26](#)

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## Linked cases (The Supreme Court of the United Kingdom web site)

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[UKSC/2023/0165 ZA \(AP\) \(Appellant\) v Secretary of State for the Home Department \(Respondent\)](#).

Legal issue