

The Lord Anderson of Ipswich KBE KC
House of Lords
London
SW1A 0PW

17 October 2025

Dear David,

Deprivation of Citizenship Orders (Effect during Appeal) Bill

I am writing to you following the Second Reading of the Deprivation of Citizenship Orders (Effect during Appeal) Bill. I would like to begin by thanking you for your contribution to the debate and for your support for this Bill. I want to provide some reassurance in response to the question you raised in respect of the likelihood of a person being deprived of British citizenship and deported from the UK before the deprivation appeal is resolved.

Section 3(5) of the Immigration Act 1971 gives the Secretary of State the power to make a deportation order on the basis that deportation is conducive to the public good. This gives the Secretary of State discretion to act in a way that reflects the public interest. In practice, deportation is a two-stage process. Where deportation is being pursued, the person is served with a stage 1 decision letter setting out why deportation is considered conducive to the public good. The stage 1 letter provides the person with an opportunity to make representations setting out why they should not be deported. Those representations are considered and, where deportation is still being pursued, a stage 2 letter is served. The Home Secretary accepted in the case of [Ahsan v The Secretary of State for the Home Department \(Rev 1\) \[2017\] EWCA Civ 2009 \(05 December 2017\)](#) that a person would not be removed until any human rights claim had been considered. A decision to refuse a protection claim or a human rights claim attracts a right of appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002. Subject to section 79 of the 2002 Act, a deportation order does not come into force until in-country appeal rights are exhausted, and section 78 of the same Act prohibits the person being removed while any in-country appeal is pending. These provisions also apply to appeals heard before the Special Immigration Appeals Commission.

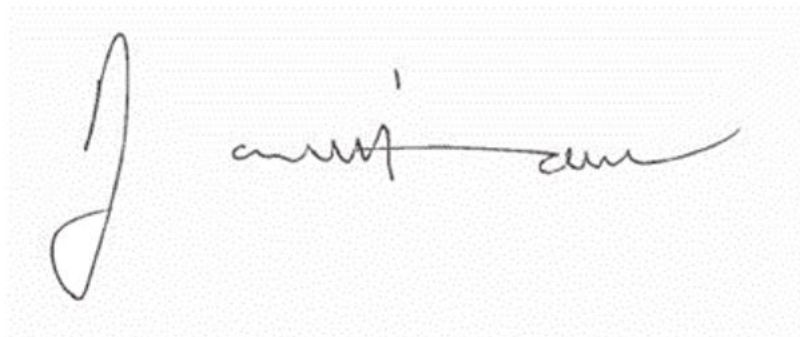
Where a human rights claim is made and certified under section 94(1) or section 96 of the 2002 Act, or under Schedule 3 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004, there will not be a right of appeal. Human rights claims can also be certified under section 94(7) and 94B which provides for an out of country appeal. In most circumstances, as a matter of policy, the Secretary of State would not remove a person if permission to seek judicial review was also outstanding. In the event that the Secretary of State pursued removal, the person would have recourse to seek an interim injunction against removal.

In theory, it may be possible for a person to be deprived of citizenship and deported before

the deprivation appeal is resolved. However, in practice, it is difficult to envisage a situation in which a person deprived of British citizenship and appealing that decision would not make a human rights claim in response to a stage 1 deportation decision, meaning they would have an in-country right of appeal against the refusal of that claim or, if certified, a right to redress against the certification decision. It is a matter for the courts how such appeals are case managed, and the Home Secretary is aware of that, as both decisions are often based on the same evidential basis, both appeals will likely be heard together.

I hope this provides clarity and reassurance on this issue. Myself and my officials are of course open to discussing these matters further with you at your convenience, and would be happy to meet ahead of Committee stage if that would be of use.

I am placing a copy of this letter in the Libraries of both Houses.

A handwritten signature in black ink on a light blue grid background. The signature is written in a cursive style, starting with a large 'J' and ending with a long horizontal stroke.

Lord Hanson of Flint