



Home Office

UK Visas and Immigration  
Home Office  
Refused Case Management  
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6<sup>th</sup> July 2018

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Our Reference: FOI 47144

Dear Mr Yeo,

### Freedom of Information Act 2000 Request

Thank you for your email of 31 January 2018. Your request has been handled as a request for information under the Freedom of Information Act 2000. You have requested the following information:

1. How many cases of previous citizenship nullification are now under review?
2. So far, in how many reviewed cases has a decision been taken to commence deprivation action instead?
3. What criteria or policy is being applied in these cases?
4. If possible, a breakdown by year of past nullification decisions. For example, how many nullification decisions were made in each of the following years: 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017?
5. How many Home Office staff have been allocated to this review?

### Response

**1.& 2.** Following the Supreme Court judgment in the case of *Hysaj and Others*, that was handed down in December 2017, the Home Office has been undertaking a review of previously decided nullity decisions. As was noted in the Supreme Court judgment, when making decisions that certain grants of citizenship were nullities, the Home Office was acting on the basis of binding Court of Appeal authorities.

The first stage of this review has been to identify those cases that should now be withdrawn in the light of the Supreme Court judgment and those cases where the previous decision will be maintained. In total, 262 previously decided nullity decisions are being reviewed by the Home Office.

Where, following a review, a decision is made to withdraw the previous nullity decision, the Home Office will proceed to give consideration to whether action to deprive citizenship should be taken, though this subsequent process will take several months.

3. For any cases where, following the Home Office’s review of the case in the light of the Supreme Court judgment, it is considered necessary to withdraw the previous nullity decision and to consider deprivation action, the Home Office will follow the legislation on deprivation set out in the 1981 British Nationality Act 1981 and the published policy guidance set out in Chapter 55 of the Nationality Instructions.

4. Figures are set out in the below table. The data details all nullity decisions made between 1 January 2007 and 31 December 2017.

Outcome Year	Grand Total
2007	*
2008	*
2009	*
2010	*
2011	*
2012	7
2013	176
2014	47
2015	21
2016	*
2017	*
<b>Grand Total</b>	<b>262</b>

- \* Denotes fewer than 5
- These statistics have been taken from a live operational database. As such, numbers may change as information on that system is updated.
- Data extracted on 21/02/2018

5. The resource undertaking the review of previously decided nullity cases is part of UKVI’s Status Review Unit, that has a general remit to consider deprivation action in cases where citizenship may have been fraudulently obtained.

For the initial review of whether previously decided nullity cases should be withdrawn or maintained, the Home Office has allocated 11 staff members of the Status Review Unit to undertake the exercise.

For the subsequent exercise to consider potential deprivation action in those cases this consideration will be undertaken by the general resource of deprivation caseworkers on the Status Review Unit.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to [foirequests@homeoffice.gsi.gov.uk](mailto:foirequests@homeoffice.gsi.gov.uk), quoting reference **47144**. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department's handling of your information request will be reassessed by staff not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

Refused Case Management FOI Team

We value your feedback, please use the link below to access a brief anonymous survey to help us improve our service to you:

<http://www.homeofficesurveys.homeoffice.gov.uk/s/108105TAZNG>