

**IN THE SPECIAL IMMIGRATION APPEALS COMMISSION**

**SC/117/2012**

**‘E2’**

**Appellant**

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

**Respondent**

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**RULING ON APPLICATION FOR PERMISSION TO APPEAL**

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The Application is refused for the following reasons:

1. The judgment of SIAC sought to be appealed was dated 2 August 2012. The time limit under Rule 27(2)(D) of the SIAC (Procedure) Rules 2003 is 10 days. This application was received by SIAC in late February 2014 (the precise date is in issue) and was on any view 18 months out of time.
2. A critical point in the judgment of SIAC was the date when the Appellant had actual notice of the decision to deprive him of UK citizenship. The Appellant then claimed that he had no notice of the decision before the time limit expired. SIAC found that was untrue and that he had notice in time. The Appellant now admits that he in fact had notice by early April 2012, that his first witness statement and that of his relative, Mohammad Bilal Khan, were untrue, and therefore that he had sought to mislead the Commission.
3. At the same time, the Appellant expressly declines to waive legal professional privilege, so that communication between his former solicitors and himself, no doubt including the time when he was informed of the decision of SIAC, remains undisclosed. So also the explanation given by his previous solicitors of that decision, its importance, its implications and the time for application to appeal the

SIAC ruling. Yet the current application is based on the Appellant's suggestion that he did not appreciate the significance of the decision, was advised only in the briefest terms of the possibility of appeal, had limited contact with his solicitors and "was unable to form a view as to the merits of proceeding with an appeal".

4. The decision of SIAC in August 2012 was that: (1) as was agreed, the burden lay on the Appellant of demonstrating that, by reason of special circumstances, it would be unjust not to extend the statutory time limit for giving notice of appeal; (2) he had not done so. The Appellant's principal arguments on appeal include the submission that Rules 10(1) and/or 10A(2) of the SIAC Procedure Rules required an exculpatory review before such a decision is taken. That argument is without merit in any event, but particularly so where the central findings which must be challenged – that the Appellant knew of the deprivation in time – is now agreed to be true.
5. The Appellant's second and third grounds also founder on the fact that the Appellant admits he had actual notice of the decision to deprive him of citizenship in time, delayed in seeking to challenge that decision, lied about his date of knowledge and about the reason for his own delay, and has now delayed 18 months in seeking to challenge the decision of SIAC.
6. Hence permission is refused.

**THE HONOURABLE MR JUSTICE IRWIN**  
**27 February 2014**