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STATUTORY INSTRUMENTS

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**2023 No. 355**

The Special Immigration Appeals Commission  
(Procedure) (Amendment) Rules 2023

PART 2

Deprivation of citizenship without notice: judicial oversight

**Insertion of new Part 4A**

7. After Part 2 insert—

“PART 4A

Applications to the Commission by the Secretary  
of State under Schedule 4A to the 1981 Act

**Scope**

**25A.** This Part applies to an application by the Secretary of State under Schedule 4A to the 1981 Act.

**Contents of application**

**25B.—**(1) The application must set out the following information.

(2) The following information about the person who is the subject of the relevant conducive grounds deprivation order—

- (a) the person’s name,
- (b) the person’s date of birth,
- (c) the person’s nationality or nationalities, and
- (d) the relevant Home Office reference.

(3) If any of the information mentioned in paragraph (2)(a) to (d) is not known to the Secretary of State, the Secretary of State does not have to provide that information.

(4) Whether the application relates to a conducive grounds deprivation order—

- (a) which the Secretary of State proposes to make, or
- (b) which the Secretary of State has made.

(5) If the application relates to a conducive grounds deprivation order which the Secretary of State has made, the date on which that order was made.

(6) If the application is for fresh consideration of a decision the Secretary of State has made, pursuant to paragraph 1(6) of Schedule 4A to the 1981 Act, the date of the Commission's previous determination relating to that decision and whether—

- (a) in the opinion of the Secretary of State, circumstances have changed materially since that previous determination, or
- (b) the Secretary of State wishes to provide further evidence to the Commission.

(7) Whether the application is made pursuant to paragraph 2(5) of Schedule 4A to the 1981 Act (expiry of final review period).

(8) The grounds for the Secretary of State's decision by reference to—

- (a) section 40(5A)(a) (the Secretary of State does not have the information needed to be able to give the notice),
- (b) section 40(5A)(b)(i) (national security),
- (c) section 40(5A)(b)(ii) (the investigation or prosecution of organised or serious crime),
- (d) section 40(5A)(b)(iii) (preventing or reducing a risk to the safety of any person), or
- (e) section 40(5A)(b)(iv) (the relationship between the United Kingdom and another country).

#### **Variation of application**

**25C.** The Secretary of State may do any of the following by filing written notice with the Commission—

- (a) vary the grounds for the Secretary of State's decision (see rule 25B(8));
- (b) file new documents in support of the Secretary of State's decision;
- (c) amend, add to or withdraw any document filed in support of the Secretary of State's decision.

#### **Withdrawal of application**

**25D.** The Secretary of State may withdraw an application by filing written notice to the Commission.

#### **Determinations on paper**

**25E.—**(1) The Commission must determine the application on paper without a hearing before the Commission.

(2) The Commission must determine the application no later than 14 days after the Commission receives the application.

(3) Where the Secretary of State varies an application under rule 25C, the Commission may fix a new date within which the Commission must determine the application, being no later than 14 days after the Commission receives notice of the variation.

(4) The Commission must notify the Secretary of State in writing of any new date fixed in accordance with paragraph (3).”