



UK - Pham v Secretary of State for the Home Department

An appeal as to whether the Secretary of State was precluded under the British Nationality Act 1981 from making an order depriving the appellant of British citizenship because to do so would render him stateless.

Case name (in original language) : Pham (Appellant) v Secretary of State for the Home Department (Respondent)

Case status: Decided

Citation: [2015] UKSC 19

Date of decision: 25/03/2015

State: United Kingdom

Court / UN Treaty Body: UK Supreme Court

Language(s) the decision is available in: English

Applicant's country of birth: Vietnam

Applicant's country of residence: United Kingdom

Legal instruments: 1954 Statelessness Convention, 1961 Statelessness Convention

Key aspects: Deprivation of nationality, Determination/confirmation of nationality , Statelessness determination

Relevant Legislative Provisions:

British Nationality Act 1981

Article 1(1) of the 1954 Convention relating to the Status of Stateless Persons

Facts

The appellant was born in Vietnam in 1983 and was a Vietnamese national. In 1989, after a period in Hong Kong, the appellant and his family came to the UK. They claimed asylum and were granted indefinite leave to remain. In 1995 they acquired

British citizenship. Although none of them had ever held Vietnamese passports, they had taken no steps to renounce their Vietnamese nationality.

The appellant was educated in the UK and attended college in Kent. At 21 years old he converted to Islam. Between December 2010 and July 2011, the appellant was in the Yemen, where, according to the security services but denied by him, he is said to have received terrorist training from Al Qaeda.

On 22 December 2011, the Secretary of State served notice of her decision to make an order under section 40(2) of the British Nationality Act 1981 depriving the appellant of his British citizenship, being satisfied that this would be “conducive to the public good”. She considered that the order would not make him stateless (contrary to section 40(4) of the 1981 Act) because he would retain his Vietnamese citizenship. The order was served on the appellant, followed by notice the decision to deport him to Vietnam. Thereafter, the Vietnamese government has declined to accept the appellant as a Vietnamese citizen.

Decision documents

[uksc-2013-0150-judgment.pdf](#)

Outcome

The UK Supreme Court ruled that the decision by the UK Home Secretary to strip the applicant of British citizenship did not make him stateless, because the applicant still held Vietnamese citizenship “under the operation of its law” (article 1(1) of the 1954 Convention relating to the Status of Stateless Persons) at the time that decision was made.

Links to other relevant materials related to the case (blogs, analysis, articles, reports, etc.)

<https://www.justiceinitiative.org/voices/case-watch-uk-supreme-court-ba...>

<https://www.justiceinitiative.org/voices/case-watch-uk-supreme-court-st...>

<https://www.supremecourt.uk/cases/docs/uksc-2013-0150-press-summary.pdf>

Alison Harvey, Burden of proof in statelessness cases and the meaning of “by operation of its law”, 31 January 2020

Third party interventions

Written submissions submitted by the Open Society Justice Initiative on 23 October 2014

Third party interventions (docs)

[UKSC%202013-0150-%20-%20Case%20of%20the%20intervener%20%28OSJI%29.pdf](#)