

R (on the application of Begum) (Appellant) v Special Immigration Appeals Commission (Respondent)

Case ID: UKSC 2020/0156

Case summary

Issue

1. Should Ms Begum be granted leave to enter the UK so that she can pursue her appeal against the Secretary of State's decision to deprive her of British citizenship?
2. Was the Special Immigration Appeals Commission wrong to apply judicial review principles to Ms Begum's appeal against the deprivation decision?
3. If Ms Begum is refused leave to enter the UK, should her appeal against the deprivation decision be allowed?

Facts

Ms Begum was born and brought up in the UK, and was a British citizen at birth. When she was 15 years old, she travelled to Syria with two friends. Shortly after she arrived, she married an ISIL fighter. Ms Begum has remained in Syria since 2015 and has aligned with ISIL. She is currently detained in the Al-Roj camp run by the Syrian Democratic Forces, where conditions are poor. Ms Begum now wishes to return to the UK.

On 19 February 2019, the Secretary of State for the Home Department decided to deprive Ms Begum of her British citizenship, on the basis that Ms Begum's return would present a risk to national security. Ms Begum sought leave to enter the UK so that she could pursue an appeal against this decision, but her application for leave to enter was refused. Ms Begum challenges both the decision to deprive her of citizenship and the decision to refuse her leave to enter the UK.

The Special Immigration Appeals Commission found that, while Ms Begum remains detained by the Syrian Democratic Forces in a camp, she cannot give effective instructions or take any meaningful part in her appeal. This means that her appeal cannot be fair and effective. The Court of Appeal therefore held that Ms Begum should be granted leave to enter the UK so that she could pursue her appeal. The Secretary of State appeals to the Supreme Court.

Parties

Appellant(s)

R (on the application of Begum)

Respondent(s)

Special Immigration Appeals Commission

Appeal

Justices

Lord Reed, Lord Hodge, Lady Black, Lord Lloyd-Jones, Lord Sales.

Hearing start date

23 Nov 2020

Hearing finish date

24 Nov 2020

Watch hearing

23 Nov 2020 [Morning session](#) [Afternoon session](#)

24 Nov 2020 [Morning session](#) [Afternoon session](#)

Judgment details

Judgment date

26 February 2021

Neutral citation

[2021] UKSC 7