

News

Two Albanians are not deported despite lying to get citizenship



A British citizenship certificate CREDIT: SUZANNE PLUNKETT/REUTERS

By Steve Bird

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A Supreme Court judgement has revealed a “loophole in the law” that could prevent asylum seekers being deported if they are found to have lied about their real identities to get citizenship.

Two Albanians who pretended to be Kosovan refugees to stay in Britain have won a legal test case to prevent their fraud resulting in them being thrown out of the country. The men’s victory is expected to cost the taxpayer up to £1 million in legal fees.

More than 80,000 [refugees from Kosovo fled the war in the Balkans](#) in the 1990’s to claim asylum here. However, thousands of Albanians used that crisis to pretend they were from Kosovo fleeing war to claim Britain citizenship.

Among them was Dinjan Hysaj, who aged 21 pretended to be a child refugee from Kosovo and was given British citizenship. Agron Bakijasi, also from Albania, used a false name, pretended to be from Kosovo and lied about his age to secure citizenship.

However, 40-year-old Hysaj’s lies came to light in 2011 when he was jailed for five years for glassing a man in a Hertfordshire pub. Bakijasi’s fraud emerged after his partner returned to Kosovo, revealing his true identity.

After the [Home Office](#) applied to deport them, the men’s lawyers argued that lying to obtain such citizenship was not enough to strip them of it.

In a complex legal judgement, the [Supreme Court](#) judges last week concluded that issues surrounding those claiming citizenship using a made up identity of someone who does not exist results in “such uncertainty meaning that the law is difficult to apply in practice”.

The judges add: “It also has a number of illogical and unsatisfactory consequences. Thus it is not clear when the use of a false identity to obtain citizenship by one person will lead to the nullification of the grant of citizenship to those making a derivative claim.”

In effect, because they had not stolen a person’s identity but instead made up a fictional character, “neither appellant pretended to be someone he was not”.

The judges said the judgement was given in “unusual circumstances” because Amber Rudd, the Home Secretary who wants them deported, now accepts that British courts have not properly clarified what types of identity fraud should see such migrants stripped of their citizenship. The judgement was analysing £”points of law” arising from Mrs Rudd allow the men’s appeals “by consent”. However, the Home Office is to now pursue other avenues to deport the men.

Andrew Bridgen, the Conservative MP, said this judgement exposed a loophole that needed new British legislation to ensure criminals could not abuse the British legal system.

“We need to tighten up the law so people who make up identities and lie to get British citizenship can be stripped of it and be deported. These are not the sorts of people we want to have in our country.

“This legal loophole that needs to be closed as soon as possible. We need to look at legislation to do so, especially as we are now leaving the European Union and we are supposed to be taking control of money, our laws and our borders.”

A Home Office spokesman insisted that the ruling applied to the men’s “special circumstances”, adding that the Home Secretary was investigating other way to strip them of citizenship. He

added that ruling clarifies case law and will “assist” the department with other cases.

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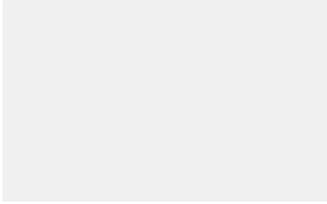
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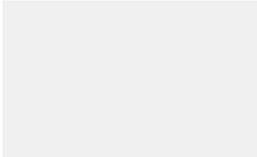
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