



**From:**  
Caseworker  
HO,

<b>To:</b>	<b>For clearance?</b>
<b>Permanent Secretaries</b>	NO
<b>Minister</b> <i>If so: Security Minister</i>	NO
<b>Home Secretary</b>	YES

**SCS sign off:**  
Jay McGann, HO,

**Date:** 21 February 2023

**NON-CONDUCTIVE EXCLUSION REVIEW: Sali BERISHA, Albanian, 15 October 1944**

**Issue**

- 1) Whether to maintain the July 2022 decision to exclude Sali BERISHA, the former President and Prime Minister of Albania and the current leader of the Democratic Party on the grounds that his exclusion from the UK is conducive to the public good due to his involvement in serious and organised crime and corruption.

**Timing: Pressing - a decision is required by midday Monday 27<sup>th</sup> February to comply with an agreed court order litigation deadline.**

**Recommendation**

- 2) That you **Home Secretary:**
  - a. **Agree** to maintain the decision to exclude BERISHA as his presence in the UK would be non-conducive to the public good (Paragraph 10).

And that you, **Home Secretary** and **Security Minister:**

- b. **Note** that the certification of the original decision (certifying that the decision was made partly in reliance on information which the then Home Secretary considered should not be made public in the public interest on the grounds of the prevention of crime and disorder) remains in force. An additional ground for non-disclosure of information applies, namely the interests of the relationship between the United Kingdom and another country.

**Background**

- 3) **BERISHA was excluded by the then Home Secretary on 19 July 2022 on the grounds of criminality and corruption (Annex A).** This was publicised by BERISHA on 22 July 2022. He has since made numerous allegations regarding the motivations for this decision, alleging that the decision was politically motivated and influenced by his adversaries (our full exclusion review consideration Annex D, Paragraphs 39-40).

- 4) **BERISHA applied to the Special Immigration Appeals Commission (SIAC) for a review of the decision to exclude him on 18 August 2022, although proceedings are stayed until 27 February 2023 pending the outcome of this review. See further background at Annex D.**

### Consideration

- 5) **The test for exclusion is whether you (Home Secretary) consider BERISHA's exclusion from the UK is conducive to the public good, that is, it would be undesirable to admit him to the UK because he poses a threat to UK society. This applies to conduct in the UK and overseas.** We have approached this fresh assessment objectively, considering the representations made by BERISHA and his daughter together with the further evidence and assessment provided by the Crime State Nexus (CSN) Project team (Annex B).
- 6) **BERISHA and MALLTEZI (BERISHA's daughter) provided detailed evidence seeking to rebut the conclusions reached in the July 2022 exclusion decision, with the view to raising doubt about some of the events relied upon in that decision.** Having carefully assessed the information provided in their rebuttals, we maintain the assessment that BERISHA has been involved in serious organised crime and corruption and has used his connections with organised crime groups and those involved in criminality for his own benefit. For the reasons outlined in Annex D, we therefore conclude that BERISHA's exclusion from the UK continues to be conducive to the public good. **You (Home Secretary) should take into account the information in Annex D – our full exclusion review consideration – as part of the decision-making process.**

### ECHR consideration

- 7) **We assess that maintaining BERISHA's exclusion would not interfere with his rights under Article 8 ECHR (right to respect for family and private life).** As BERISHA is outside of the UK, he falls outside of the UK's jurisdiction for the purposes of Article 1 ECHR (Obligation to respect Human Rights). In addition, BERISHA is not known to have any family in the UK whose Article 8 rights would be engaged by a decision to maintain the exclusion decision.

### Stakeholder views

- 8) **The British Embassy in Tirana have outlined that whilst the July 2022 exclusion decisions have not detrimentally impacted the UK's relations with Albania and has reinforced the UK's reputation as an international leader in tackling criminality and corruption, BERISHA's subsequent public remarks have caused some reputational damage to the UK amongst his supporters. They further outline the deterrence impact of the decisions and the anticipated adverse impact if his legal challenge is successful, or the decision withdrawn. See Annex G for their full assessment.**

- 9) **International Strategy, Engagement and Devolution (ISED) recommend maintaining the exclusion decision.** They also emphasise that revoking the decision may present reputational risks to the Home Office and HMG more broadly. See Annex G for their full assessment.

### **Recommendation**

- 10) **We recommend maintaining BERISHA's exclusion on the basis that we continue to assess his presence in the UK remains non-conducive to the public good due to his involvement in serious organised crime and corruption as set out in the consideration at Annex D. Do you (Home Secretary) agree?**

### **Next steps**

- 11) **If you (Home Secretary) agree to the recommendation to maintain the exclusion decision, we will inform BERISHA of the decision via his legal representatives.**

### **Media handling**

- 12) **Due to Sali BERISHA's high profile in Albania, and his already known exclusion by the media, any revocation of the exclusion would generate media attention as we anticipate that BERISHA would publicise the outcome of the proceedings.** Multiple UK outlets have reported on his exclusion in July 2022, and there is a high chance that outlets will question and criticise HMG's revised position. It is increasingly likely that such a decision will be politicised by media in-country given the approaching Albanian elections.

### **Public Sector Equality Duty**

- 13) **We do not consider that your (Home Secretary) duties under section 149 of the Equality Act 2010 require you to take account of any additional information.** Public Sector Equality Duty obligations relating to this case are outlined in full in Annex H.

### **Copy list:**

Security Minister's Private Office, Home Secretary's Private Office, Minister for Immigration's Private Office, Special Advisers' Private Office, Permanent Secretaries' Private Office, DG Homeland Security, Homeland Security Directors, Border Force Chief Operating Officer, Border Force NCC, DG UKVI, Press Office SMT, Comms – Homeland Security, Comms – Illegal Migration, Jonathan Sinclair, Oscar Ramudo, Suzie Daykin, Yvette Bosworth, Jae Samant, Chris Jones,

**The following annexes are attached:**

- **Annex A** – BERISHA Non-Conductive exclusion recommendation, July 2022.
- **Annex B** – Crime State Nexus Project: recommendation to uphold the exclusion decision against Sali BERISHA.
- **Annex C** – Original Crime State Nexus Project recommendation for Sali BERISHA.
- **Annex D** – Full exclusion review consideration.
- **Annex E** – Further CLOSED evidence.
- **Annex F** – Media analysis.
- **Annex G** – Stakeholder views.
- **Annex H** – Legal & Public Sector Equality Duty Considerations.