

Behind the headlines: The persistent myth of the chicken nuggets

And why it's time for an informed debate about the ECHR

October 2026

Author: Professor Alice Donald, Middlesex University



About this publication

This is part of a series of publications published by the project "Human Rights: Informing the UK Debate", which aims to improve the quality of public discourse on human rights by providing expert content grounded in robust evidence and rigorous analysis. It seeks to identify and respond to inaccurate or misleading reporting or commentary about human rights. It also explores what human rights mean for ordinary people in their everyday lives, and for the values they care about such as security, dignity, accountability, democracy and national sovereignty.

The project is a collaboration between the Modern Slavery and Human Rights Policy and Evidence Centre (University of Oxford), the Bonavero Institute of Human Rights (University of Oxford), and Middlesex University. The project is funded by a gift from the Sigrid Rausing Trust.

The views expressed in this publication are those of the author and not necessarily of the Modern Slavery and Human Rights Policy and Evidence Centre, the University of Oxford or their funders.

Key Points

- **The claim that an Albanian criminal, Klevis Disha, avoided deportation because his son dislikes foreign chicken nuggets is false.** The tribunal decisions were based on extensive evidence about the child's behavioural, educational and developmental needs, and the excessively severe consequences for him whether he moved to Albania or remained in the UK without his father.
- **The "chicken nuggets" evidence was never determinative of the case.** It was cited only as one example of the child's wider sensory difficulties, and the Upper Tribunal explicitly found that it came **nowhere near the level of harshness** required to prevent deportation.
- **Far-reaching changes, including UK withdrawal from the European Convention of Human Rights (ECHR), are being proposed by some politicians and commentators in the context of misleading representations of human rights law and its application in individual cases such as this.**
- **The persistence of the "chicken nuggets" myth underlines the need for a well-informed public debate based on facts, including accurate data, a careful reading of judicial decisions and a sound understanding of the law.** It illustrates a wider problem of misleading reporting about immigration appeals and the European Convention on Human Rights, which can distort understanding both of the legal tests judges apply and of how rarely human rights appeals against deportation succeed.

Introduction

Have you heard the story about the Albanian criminal who could not be deported from the UK because his son dislikes foreign chicken nuggets?

The chances are that you have, because the story has made headlines for the past year, in publications ranging from The Telegraph,¹ The Daily Mail,² and The Daily Express³ to The Independent⁴ and Spiked.⁵

Robert Jenrick found the story “mind-boggling”,⁶ Dame Angela Eagle was “fairly astonished”⁷ by it, and Nigel Farage was “reduced to tears”,⁸ while the apparently absurd chicken nuggets connection helped convince Kemi Badenoch that migrants are “weaponising” the European Convention on Human Rights (ECHR) to the point where, she argues, the UK should leave it.⁹

But the suggestion that the child's fast food preferences were what determined the outcome of the case is false. And it was – or should have been – known to be false from the moment that media and politicians began to comment on it.

This explainer sets out the current UK law on the deportation of foreign national offenders applicable to this case and analyses the three legal decisions at the heart of it.

¹ Charles Hymas, [Albanian criminal's deportation halted over son's distaste for chicken nuggets](#), The Telegraph, 9 February 2025.

² Emily Jane Davies, [Albanian criminal's deportation from the UK is halted amid judge's concerns for his son... after 10-year-old said he didn't like chicken nuggets from outside Britain](#), The Daily Mail, 10 February 2025.

³ Ciaran McGrath, [Albanian criminal's deportation from UK stopped as son only liked British chicken nuggets](#), The Daily Express, 10 February 2025.

⁴ Jessica Coates, [Criminal's deportation case halted over son's dislike for chicken nuggets](#), The Independent, 10 February 2025.

⁵ Hugo Timms, [The 'chicken nuggets' case: the farce of Britain's borders](#), Spiked, 10 February 2025.

⁶ George Bunn, ['Mind-boggling!' Albanian criminal allowed to stay in Britain due to son's dislike of 'foreign' chicken nuggets](#), GB News, 10 February 2025.

⁷ Ciaran McGrath, [Keir Starmer backs call to deport Albanian criminal at centre of chicken nugget row](#), The Daily Express, 12 February 2026.

⁸ Danielle de Wolfe, [Nigel Farage 'reduced to tears' over ECHR rule which saw Albanian criminal's deportation 'halted over chicken nuggets'](#), LBC, 10 February 2025.

⁹ Conservatives, [Kemi's Speech to the Alliance for Responsible Citizenship](#), 17 February 2025.

The legal framework on deportations

The appellant in the case, Klevis Disha, an Albanian national, was sentenced in 2017 to two years' imprisonment after he was found in possession of some €300,000 in cash, which was the proceeds of crime. He served almost eight months before being released under curfew with an electronic tag. Facing deportation, he appealed.

Decisions about deportation – and appeals against deportation – rely on rules set by Parliament.

Parliament has determined that the deportation of foreign national offenders is in the public interest, and that the public interest requires automatic issuance of a deportation order against foreign nationals who have been given a custodial or suspended sentence of at least 12 months, unless removal would be contrary to specified exceptions. The exception applicable in this case was the “family life” exception under Article 8 of the ECHR.¹⁰

The “family life” exception applies when the foreign national is in a “genuine and subsisting” relationship with a British or long-term resident partner or child and it would be “unduly harsh” for the partner or child both to live in the country to which the person is to be deported and to stay in the UK without them.

The high threshold for what is considered “unduly harsh” has been established by the UK Supreme Court:

... “unduly harsh” does not equate with uncomfortable, inconvenient, undesirable or merely difficult. Rather, it poses a considerably more elevated threshold. “Harsh” in this context, denotes something severe, or bleak... Furthermore, the addition of the adverb “unduly” raises an already elevated standard still higher.¹¹

Analysis of the three tribunal decisions in Mr Disha's case reveal the fallacy at the heart of the chicken nuggets story.

¹⁰ Set out in the [Nationality, Immigration and Asylum Act 2002](#), Section 117D and the [Immigration Rules part 13: deportation](#).

¹¹ [HA \(Iraq\) and Others v Secretary of State for the Home Department \[2022\] UKSC 22](#), para. 41.

The initial decision – nuggets evidence given no particular weight

In August 2024, a judge in the First-tier Tribunal (FTT) issued her decision.¹² The FTT is a specialised, independent tribunal, which is the first port of call for appeals against immigration-related decisions made by the Home Office.¹³

The judge found that Mr Disha has a genuine and subsisting relationship with his partner (a naturalised British citizen) and their two children, who are both British citizens, a daughter (born in 2009) and a son (born in 2014). The judge held that it would not be unduly harsh for either Mr Disha's partner or daughter to follow him to Albania were he to be deported, or to remain in the UK without him. In addition to having family members in Albania, his partner speaks fluent Albanian, and his daughter, as a British citizen, has the option of returning to the UK later.

However, the judge held that it would be unduly harsh for the youngest child, known as "C", to follow Mr Disha to Albania were he to be deported and to remain in the UK without him. The judge placed weight on evidence from C's teachers and a trainee educational psychologist that C has "lack of confidence and self-esteem, literacy delay, emotional dysregulation, and social communication difficulties". His dysregulation manifested as screaming and pulling his hair, in addition to him being "extremely anxious" and experiencing sensory difficulties in relation to clothing and food.

In the context of food, C's mother reported that since the age of three, "any small change in his food will cause him to reject it", meaning that "when she takes the children to visit relatives in Albania and Kosovo ... they cannot stay for very long because, for example, C will not eat the type of chicken nuggets that [are] available abroad".

Thus, C's aversion to unfamiliar chicken nuggets was one piece of evidence, presented as an example of his sensory difficulties, within a much wider body of evidence before the judge. In setting out the arguments on which she placed weight in her conclusions, the judge made no reference to the evidence about C's taste in chicken nuggets.

¹² Disha v Secretary of State for the Home Department [2024] UKFTT HU/60457/2023 (copy with the author, unpublished).

¹³ <https://www.judiciary.uk/courts-and-tribunals/tribunals/first-tier-tribunal/first-tier-tribunal-immigration-and-asylum-chamber/>.

The Upper Tribunal decision – nuggets evidence not “anywhere near” the level of harshness to prevent deportation

The Home Secretary appealed the decision to the Upper Tribunal, a second-tier tribunal which reviews decisions by First-tier judges.¹⁴ In January 2025, the two judges in the Upper Tribunal held that the evidence could not support the conclusion that it would be “unduly harsh” for C if Mr Disha was deported.¹⁵

They found that the judge in the FTT had made an error of law in the weight given to the evidence before her, including to the non-qualified (trainee) psychologist’s assessment of C’s special needs. At the time, C did not have a formal diagnosis, and no evidence had been adduced to substantiate the argument that the support recommended for C by the trainee psychologist was unavailable in Albania.

In explaining their decision, the judges in the Upper Tribunal clarified that the example provided by C’s mother of his unwillingness to eat “the type of chicken nuggets that are available abroad” does not approach **“anywhere near the level of harshness for a reasonable judge to find it to be ‘unduly’ so”** (para. 31) (emphasis added).

The Upper Tribunal overturned the allowing of the appeal and sent the decision back to the First-tier Tribunal to be heard by a different judge to decide the sole issue of whether the consequences of deportation would be unduly harsh on C.

Yet, it was from this time onwards, after the Upper Tribunal decision was published in January 2025, that media reporting and political commentary proliferated. The majority of headlines misleadingly suggested that judges had considered the chicken nuggets evidence as compelling or even determinative and obscured the fact that the Upper Tribunal had set aside the FTT’s decision.

¹⁴ <https://www.gov.uk/courts-tribunals/upper-tribunal-immigration-and-asylum-chamber>.

¹⁵ [Secretary of State for the Home Department v Disha \[2025\] UKUT UI-2024-004546](#).

The latest decision – nuggets not referred to at all

The new FTT decision was issued in March 2026.¹⁶ It considered fresh professional evidence about C, referring to the fact that the Child and Adolescent Mental Health Service had accepted a referral for him on the basis that his behaviours are consistent with autism spectrum disorder (ASD) (para. 25).

The judge noted that C “presents with complex and significant behavioural and other challenges on a daily basis, which still require to be addressed” (para. 28). He does not speak or understand Albanian, his limited improvement at school was a “delicate ongoing process” (para 33) and a move to Albania would mean that C “would be left to start all over again” (para 36). The judge found on the balance of evidence that Albania “has only limited services available for children with complex behavioural issues and ASD” (para. 32).

In conclusion, the judge found that Mr Disha’s deportation would be unduly harsh for C, whether he followed his father to Albania or stayed in the UK without him. The consequences on C would be “excessively severe or bleak”, considering all the circumstances (para. 40).

The decision, which the Home Office may appeal, refers to evidence from C’s school and an occupational therapy report as to his sensory struggle with certain textures of food (para. 22) and his limited diet (para. 24).

It does not refer at any point to chicken nuggets.

¹⁶ [Disha v Secretary of State for the Home Department \[2026\] UKFTT HU/60457/2023](#).

How the chicken nugget myth persists – and why it matters

Nevertheless, the reporting of the most recent FTT decision almost invariably connected the outcome to C's taste in chicken nuggets. The Daily Express reported: "Criminal migrant beats deportation because his son hates foreign chicken nuggets",¹⁷ and the misconception was repeated in the headline and opening paragraphs of stories published by The Daily Mail,¹⁸ The Telegraph,¹⁹ GB News,²⁰ LBC,²¹ The Standard²² and The Sun.²³

When the UK signed the Chişinău Declaration on the ECHR and migration at a Council of Europe summit of 46 countries on 15 May 2026, GB News reported that it aimed to close the "'chicken nugget migrant' loophole".²⁴

Nor can the persistent mischaracterisation of this case be dismissed as an isolated example, a rare lapse in an otherwise reliable information environment. Rather, it exemplifies a more widespread pattern of misleading and/or inaccurate reporting about immigration tribunal cases, the UK's system of immigration appeals, and the role played by the ECHR.

Research published by the Bonavero Institute based on monitoring of UK media from January to June 2025 reveals the main types of misreporting about specific cases, including reporting FTT decisions as final when they have been overturned (and therefore no longer stand) at the time of publication; portraying arguments made by appellants or their lawyers as having been decisive when in fact they were not accepted by judges; and misreporting on the reasons for which cases were decided.²⁵

Focus on, and hence public awareness of, a few cases also obscures how rarely appeals against deportation based on the ECHR succeed. Media coverage implies that the ECHR is a

¹⁷ Ciaran McGrath, [Criminal migrant beats deportation because his son hates foreign chicken nuggets](#), The Daily Express, 19 March 2026.

¹⁸ Neil Sears, [Criminal migrant is allowed to stay in Britain after fighting deportation by arguing his son disliked foreign chicken nuggets](#), The Daily Mail, 19 March 2026.

¹⁹ Charles Hymas, [Migrant whose son 'disliked foreign chicken nuggets' can stay in UK](#), The Telegraph, 19 March 2026.

²⁰ Dan McDonald, [Infamous 'chicken nugget migrant' wins appeal to stay in Britain](#), GB News, 19 March 2026.

²¹ Danielle de Wolfe, [Albanian criminal allowed to stay in Britain as son 'doesn't like foreign chicken nuggets' after deportation branded 'unduly harsh'](#), LBC, 19 March 2026.

²² Tamara Davison, [Albanian 'chicken nugget' migrant wins legal fight to stay in UK](#), The Standard, 19 March 2026.

²³ Julia Atherley, [CLUCK'S SAKE: Migrant criminal who said he can't be deported because his son hates foreign chicken nuggets allowed stay in UK](#), The Sun, 19 March 2026.

²⁴ James Saunders, [Britain set to finally close 'chicken nugget migrant' loophole at crunch ECHR summit](#), GB News, 15 May 2026.

²⁵ Victoria Adelmant, Alice Donald, and Başak Çalı, [The European Convention on Human Rights and Immigration Control in the UK: Informing the Public Debate](#), Bonavero Report 3/2025, 4 September 2025.

major obstacle to the removal of foreign national offenders. In fact, the number of foreign national offenders who succeed in stopping their deportation on human rights grounds is a very small proportion of the total number who are liable for deportation – the best estimate based on the limited official data available is just under 3.5%.²⁶

Some politicians and commentators are proposing far-reaching changes, including UK withdrawal from the ECHR, based on a misconceived representation of human rights law and its application in specific instances. The persistence of the chicken nuggets myth underlines the urgent need for a well-informed public debate, based upon facts, including accurate data, a careful reading of judicial decisions, and a sound understanding of the law.

²⁶ There is no official data for the number of foreign national offenders who are subject to a deportation order each year. We can estimate that figure by adding up the number of foreign national offenders whose appeals against deportation succeed on any grounds and the number who are actually deported. From 2015-2022 (inclusive), 38,122 foreign national offenders were deported and 3,363 successfully appealed on any grounds, a total of 41,485. 1,449 of the successful appeals were on human rights grounds only. Thus, the number of successful human rights appeals was 3.49% of the estimated number of foreign national offenders liable for deportation over that eight year period. Data is taken from: Migration Observatory, [Migrants and crime in the UK](#), 18 August 2026, Figure 11; Home Office, [Returns summary tables, year ending March 2024](#), table Ret_02a.

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pec.office@humanities.ox.ac.uk
www.modernslaverypec.org

Author: Professor Alice Donald

Published by: Modern Slavery and Human Rights
Policy and Evidence Centre, University of Oxford.

Publication date: October 2026

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Centre, the University of Oxford or its funders.

Identification number of the publication:
PEC/2026/11

Project partners:

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