

# The Deprivation of Citizenship in the United Kingdom: A Brief History

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## At a glance

In this article, I trace the legislative development of denaturalisation (deprivation of citizenship) power in the United Kingdom. Beginning with its first emergence in the feverish environment prior to World War I, I discuss how legislation has evolved in the face of perceived security threats to the state and human right norms over the last century. I turn then to discuss the revitalisation of denaturalisation power since 2002, under Labour and coalition governments. I conclude by considering the novelty of recent legislative developments and their likely consequences for UK citizenship.

When David Blunkett announced in 2003 he would use his powers as UK Home Secretary to strip citizenship from the Muslim extremist preacher, Abu Hamza, he defended himself by saying that ‘Parliament voted for [deprivation powers] to make holding our citizenship worth something’.<sup>1</sup> Blunkett was indirectly referring to legislation passed a year before that enabled the Home Secretary to deprive UK dual nationals of citizenship when they act in a way ‘prejudicial to the vital interests of the UK’. In the twelve years since Blunkett’s time as Home Secretary, parliament has legislated on deprivation of citizenship powers twice more (once in 2006 and once in 2014). As consequence, UK governments now have at their disposal laws to strip citizenship that are arguably broader than those possessed by any other Western democratic state.

Parliament has not always been as accommodating of citizenship-stripping powers. When the first Bill proposing powers to take away citizenship on grounds of disloyalty was presented to the House of Commons by the Gladstone government in 1870, it was rejected out of hand. The Bill proposed that the Home Secretary be able to revoke citizenship when a naturalised citizen ‘acted in a manner inconsistent with his allegiance as a British subject.’<sup>2</sup> Parliamentarians protested the new power’s arbitrariness and lack of safeguards. According to Lord Haughton, the clause gave to the Home Secretary ‘a very transcendental power—more than ought to be entrusted to any man.’<sup>3</sup> Others criticised the invidiousness of treating the naturalised differently from British born citizens: ‘... the same law should apply to both classes’ stated the Early of Derby.<sup>4</sup> It was be almost fifty years before a British government would try again to claim powers to revoke citizenship.

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1 David Blunkett quoted in BBC News, ‘Cleric Stripped of Citizenship’ 5 April 2003 (Online).

2 House of Lords, March 10, 1870, at 1616.

3 *ibid* 1618.

4 *ibid* (n 2) 1617.

In this piece, I will briefly trace the development of denaturalisation (or deprivation) power in the UK over the last century. It is an apt time to undertake this historical review, and not simply because the first law allowing the government to revoke citizenship, the British Nationality and Status of Aliens Act of 1914, has recently turned one hundred years old. Citizenship deprivation is currently a subject of public interest and concern more than at any other time since the First World War. Leading public figures, including the Mayor of London, the London Metropolitan Police Commissioner, and the former Archbishop of Canterbury have recently called for British nationals fighting for Islamic extremist forces in Syria to be stripped of their citizenship for disloyalty to the UK. These calls appear to be in line with public sentiment.<sup>5</sup>

Denaturalisation power has followed a crooked path in the UK since first emerging in the feverish environment of World War I. In what follows, I shall trace the power's development through legislation. I begin, in section I, with the British Nationality and Status of Aliens Acts of 1914 and 1918, before moving to discuss the British Nationality Act (BNA) 1948, the BNA (No. 2) 1964, and the BNA 1981 in Section II, and in Sections III and IV, the Asylum, Immigration and Nationality Act of 2002 and the Immigration, Asylum and Nationality Act of 2006 respectively. I conclude with a discussion of denaturalisation provisions of the Immigration Act of 2014. Throughout this piece, I use the terms revocation of citizenship, denaturalisation, and deprivation of citizenship interchangeably. My focus is exclusively on loss of citizenship that results due to acts of perceived disloyalty or behaviour viewed as threatening to the state or to the public good.

## **I. The British Nationality and Status of Aliens Acts 1914 and 1918**

Before 1914, British subject (or citizenship) status, once obtained, could be voluntarily given up by an individual but it could not be revoked. This remained the case until the British Nationality and Status of Aliens Act was passed on the eve of World War I in 1914. This Act empowered the Secretary of State to cancel naturalisations when they had been fraudulently acquired. But this was a very minor expansion in the state's power compared to what was to come over the next few years.

World War I gave birth to huge distrust and hostility towards Germans residing in the UK. What some historians have dubbed 'Germanophobia' was fanned by daily newspaper reports of enemy spies living and working in England and events like the sinking of the passenger ship, the *Lusitania*, in 1915.<sup>6</sup> This public anxiety (fuelled by populist newspapers) initially concentrated on so-called 'enemy aliens' (non-citizens) resident in Britain; it led, notably, to the passing of the Aliens Restriction Act 1914 which facilitated mass internment and deportation for such suspect foreigners.

As the war proceeded, however, public attention turned to naturalised UK citizens of German (and other enemy country) descent. Beginning in 1915, a parliamentary campaign led by a group of conservative politicians began calling for the revocation of UK citizens of German origin, particularly those who had become naturalised since the

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5 A public opinion poll published in the *Daily Telegraph* found that 67% of those surveyed supported stripping the citizenship of UK nationals who joined ISIL even if they were made stateless. 'Strip Jihadists of Citizenship, Demand Public', *Daily Telegraph* (1 September 2014, online).

6 An excellent guide to this hostile environment for Germans is provided by Paniko Panayi, *The enemy in our midst: Germans in Britain during the First World War* (Oxford: Berg, 1991).

beginning of the war. According to the one conservative MP, a naturalised German is even more dangerous even than the *unnaturalised* one: 'if a man came to this country with mischievous intentions, he would take the precaution to become ...naturalised ...in order to facilitate the objects he had in view'.<sup>7</sup>

These calls were initially resisted by British governments. But the public and political calls to deal with 'enemies in our midst' became too strong. In 1918 a new Bill was presented to parliament by the Home Secretary, George Cave, aiming to introduce 'wider powers for revoking certificates of naturalisation'.<sup>8</sup> These wider powers were justified in impeccably liberal terms through the idea of a citizenship contract. As Cave stated, unlike the native born citizen, 'a man who is naturalized here really gives a statement of good character, a promise to be of good behaviour, a promise of loyalty... If these promises are broken it is only fair that the state should have the right to revoke a privilege given to him'.<sup>9</sup> The contractual metaphor had the benefit of legitimising the contingency of the citizenship of naturalised Britons without calling into the question of the absolute status of those born into British citizenship.

Out of this febrile political environment, a series of amendments to the 1914 Act emerged. The British National and Status of Aliens Act of 1918 enumerated a range of new and wide-ranging grounds for denaturalisation when the Home Secretary considered a naturalised person's holding citizenship to be 'not conducive to the public good'. These grounds were: *effective transfer of loyalty* (eg, being in a foreign country for five years or more), *bad character* (at the time of receiving one's certificate), *criminal behaviour*, and *disloyalty to the sovereign* (trading with the enemy or being a subject of a country at war with His Majesty). In addition, the Home Secretary could revoke citizenship when an individual 'had shown himself, by act or by speech, to be disaffected or disloyal to His Majesty'. The Act also required that all naturalisation decisions of individuals from enemy countries made since the beginning of the War be reviewed.

Despite the hostile environment in which they were born, the new provisions did not result in mass deprivations. The legislation allowed for deprivations as a result of the sole decision of the Home Secretary or after recommendation to him by a new Deprivations Committee. The Committee's reconsideration of those naturalised since the beginning of the war under s 3 of the Act led to 18 deprivations out of the 148 reviewed.<sup>10</sup> Deprivations under s 7 on grounds of disloyalty, bad character and lack of commitment resulted in a greater proportion of denaturalisations, though the number of cases examined was even smaller. By 1921, out of 74 people referred to the Committee, 39 had had their certificate revoked.<sup>11</sup>

As the twenties wore on, denaturalisations became rarer. Between the beginning of 1926 and the end of 1946, there were 107 deprivations, with only 21 occurring between 1932 and 1941.<sup>12</sup> Even the mortal danger Britain faced during World War II did not lead to their rising use. The Home Secretary, Herbert Morrison faced no parliamentary criticism when he stated in 1942 that deprivations had so far been 'infrequent' with only one having 'arisen during the War'.<sup>13</sup> In the next four years of the war, only three were made.

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7 House of Commons Debate, 3 March 1915, Vol 70 at 849.

8 House of Commons Debate, 12 July 1918 at 624.

9 *ibid.*

10 Christopher Husbans, 'German Academics in British Universities during the First World War: The Case of Karl Wichmann', *German Life and Letters*, 60, 4, at 509.

11 *ibid.*

12 Public Records Office, Home Office, 213/579.

13 House of Commons, 5 March 1942 at 780-781 (Oral Answers).

## II. The British Nationality Acts of 1948, 1964, and 1981

The next set of legislative changes to the UK denaturalisation law stemmed not from war but from the decline of Empire. When Canada created its own distinct national citizenship, the UK was forced to reform its nationality laws to maintain a 'uniform definition of subjecthood' throughout the Commonwealth.<sup>14</sup> This led to the British Nationality Act of 1948 (BNA) which superseded the 1914 and 1918 Acts. Importantly, the Act distinguished for the first time citizens of the UK and colonies from citizens of the independent colonies (such as Canada). The latter were not British citizens but could become so through a process of registration by right after living in the UK for one year. The creation of this new group led to a subtle expansion in who could be subject to denaturalisation. Under the new Act, *registered* citizens could lose their citizenship if they attained it through fraud or misrepresentation.

In other respects, however, the Act made it more difficult for the government to denaturalise. The provisions that allowed those who were 'not of good character' or 'remained a subject of a state at war with His Majesty' to lose citizenship were dropped. Now only provisions on disloyalty, trading with the enemy, criminality, commitment, and fraudulent acquisition remained.

These changes generated little parliamentary debate and denaturalisation remained exceptional in practice. When the atomic scientist Karl Fuchs was convicted of espionage in 1950, a Deprivations Committee had to be specially convened since no committee had yet had to meet under the BNA. Some other cases of spying for the communists also resulted in deprivation during the early 1950s, including the British citizens of Czech origin, Karl Strauss and Antonin Raidl.

A number of other cases of deprivation occurred between the early 1950s and 1961. These involved individuals convicted of fraud, espionage, international smuggling and, in one case, buggery involving a minor.<sup>15</sup> The 1961 Home Office *Digest of Policy* recorded that while 120 cases had been forwarded to the Home Office, it had proceeded in only nine cases, referring seven to the Deprivations Committee.<sup>16</sup> The Home Secretary could hardly be described as using his powers over zealously.

Indeed, in the British Nationality Act (No 2) of 1964 the government restricted deprivation power to make British law consistent with the 1961 UN Convention on the Reduction of Statelessness, a Convention which the UK had been instrumental in supporting. A section of the Act, which raised no dissent when presented to Parliament, made it unlawful to denaturalise an individual on criminal grounds if statelessness would result. The Act also eliminated entirely the state's ability to deprive individuals of citizenship on the basis of long residence in another country or because they had been denaturalised elsewhere in the Commonwealth.

The denaturalization of Nicholas Prager in 1973 for spying for Czechoslovakia seemed to signal the power's last gasp.<sup>17</sup> By the time a new British Nationality Bill was debated in 1981, deprivation power had not been used for eight years. Nonetheless, deprivation powers were incorporated into the Bill. Defending their inclusion, Lord McKay outlined the government's view that:

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14 R Hansen, 'The Politics of Citizenship in 1940s Britain: The British Nationality Act' (1999) 10 *Twentieth Century British History* 67.

15 Public Records Office Home Office 213/1575.

16 *ibid.*

17 House of Lords, 9 October 2002 at 281.

‘Citizenship is a privilege, and we think it reasonable that there should be power in the last resort to deprive someone who has voluntarily sought our citizenship ... and who then acts against the interests of this country or behaves in a way that brings discredit on the grant of citizenship to him.’<sup>18</sup>

While the 1964 Act had restricted the grounds of denaturalisation, the 1981 Act expanded the reach of those deprivation powers that remained available to the Home Secretary—loyalty, criminality and trading with the enemy—beyond the naturalised to apply them for the first time to all citizens by registration, continuing the trend established in the 1948 Act.

The parliamentary debate on the deprivation provisions in 1981 was lively. Some parliamentarians questioned whether anyone should be denaturalised if it would result in statelessness. The government responded by asserting that it was an individual’s own fault if he was made stateless.<sup>19</sup>

The extension of the provisions to citizens by registration was also challenged. Some parliamentarians argued that they, unlike naturalised citizens, were not ‘contractual’ citizens and could not be accused of having taken up citizenship ‘under false colours’.<sup>20</sup> The government responded by subtly departing from the metaphor of the contract, arguing that the relevant difference between native born and other citizens lay not in the *requirements* for citizenship but in the way citizenship was attained. Citizens by naturalisation and registration had both ‘sought and been granted citizenship’.<sup>21</sup>

Neither of the attempts to soften the legislation came to anything, though the issues they raised—the move beyond contract as a basis for deprivation and the importance of avoiding statelessness—were to emerge again.

### **III. The Nationality, Immigration and Asylum Act of 2002**

By the end of the 20th century, deprivation power in the UK appeared to be moribund. By 2002, not a single individual had lost his or her citizenship (other than under fraud provisions) for thirty years. In 2002, however, profound changes were proposed by the Labour government. These changes occurred under the shadow of two key events: the race riots in northern England of May 2001, which impressed upon the government the need for greater integration of citizens into a more clearly defined set of British values; and the terrorist attacks of September 11 in the United States, which increased concerns about the loyalty of sections of Britain’s Muslim population.

These events contributed to a significant tightening of the requirements for UK citizenship signalled in a new government paper, ‘Secure Borders, Safe Haven’. In this paper, the government also made clear its intention to update its denaturalisation laws and to use them to illustrate the state’s ‘abhorrence’ at certain crimes.<sup>22</sup> A key consequence of the White Paper was the Nationality, Immigration and Asylum Bill of 2002. The Bill proposed three major changes to deprivation law. First, the standard required for deprivation was changed from the assorted clauses in the 1981 British Nationality Act on disloyalty, trading with the enemy, etc. to a single standard: that the Secretary State ‘thinks that’ an individual’s holding citizenship is ‘seriously prejudicial to the vital interests’ of the United Kingdom.

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18 House of Lords Debates, 23 July 1981 at 423.

19 House of Lords Debates, 13 October 1981 at 304.

20 House of Lords Debates, 23 July 1981 at 448.

21 House of Lords Debates, 23 July 1981 at 448.

22 Home Office, *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain* (London: The Stationery Office, 2002).

A second change was that denationalisation was now to apply to all types of British citizen: those who had gained it through birth, registration, or naturalisation. This important extension of the power was, however, limited by a third change: the government now would not deprive if it would make an individual stateless. The change thus extended the protection the 1964 Act granted to those facing deprivation because of criminality to all UK citizens. Finally, the denaturalised were given an automatic right of appeal, though in cases involving national security, this would be to the Special Immigration Appeals Commission.

When presenting the Bill to parliament, the government argued that deprivation was an important and necessary state power, though one that would be used sparingly. Lord Filkin argued for the government that denationalisation power was necessary to express ‘public abhorrence at treasonable conduct’ and to show that disloyalty is not compatible ‘with being regarded as a member of the British family’. The new provisions would ‘deter and prevent future conduct’ and provide ‘an additional sanction’ against ‘treason and subversion,’ even when an individual was not convicted of a crime. Connecting the powers to the government’s new citizenship measures, Filkin said, ‘we believe that ... [the Bill] is consistent with our approach to citizenship ... namely, that it is an extremely important privilege’.<sup>23</sup>

The government’s reasoning for the Bill became more evident in discussion in Committee. It justified parts of the Bill by referring to the new terrorist threats. The Home Office Minister, Angela Eagle, claimed ‘the Bill modernises the ... [deprivation] procedure in terms of national security threats and non-state threats’. The old provisions were inadequate, she suggested, because they did not cover ‘some of the potentially prejudicial activities ... worthy of deprivation, such as those to do with infrastructure, vital economic interests, or the general safety of the population’.<sup>24</sup>

Notably, the extension of denationalisation power to the *native born* was presented entirely as an *anti-discrimination* measure. The new provisions would, Filkin argued, for the first time put all citizens ‘on an equal basis’ and recognise the principle that citizenship ‘should be respected without discrimination as to the route it was received.’ The changes would put an end to naturalised citizenship as ‘a second class status’.<sup>25</sup> The limitations of this argument were quickly noted in the Lords. The Bill, argued Lord Goodhardt, ‘simply creates a new form of discrimination towards British citizens by birth who hold no other citizenship and British citizens by birth who happen to hold the nationality of a second country’.<sup>26</sup>

The government’s proposals also faced criticism on other grounds. Unconsciously echoing worries expressed as early as 1870, Lord Kingsland asked: ‘Why should a person not be prosecuted in the normal way in our criminal courts instead [of being deprived of citizenship]?’<sup>27</sup>

Other concerns focused on the unique position of the *native born*. The Conservative MP Humfrey Malins stated: ‘a person born in the UK, even someone who was not a citizen at birth..., should not have their citizenship taken away from them. If I were such a person and I committed a bad crime, I would expect to be prosecuted for it.’<sup>28</sup>

Despite such parliamentary criticism of the government’s proposals, the 2002 law was very much a mixed bag in terms of the powers it accumulated for the state. On the one hand, it certainly did extend denationalisation power to a new and hitherto protected group, *native*

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23 House of Lords Debates, 9 October 2002 at 279.

24 House of Commons Committee, 30 April 2002, at 56.

25 House of Lords Debates, 9 October 2002 at 279.

26 House of Lords Debates, 9 October 2002 at 275.

27 House of Lords Debates, 9 October 2002 at 277.

28 House of Commons Committee, 30 April 2002, at 52.

born citizens (with dual nationality) and constituted them as an inferior class of citizen.<sup>29</sup> But the Bill also allowed for automatic legal appeals, restricted the use of denationalisation power to individuals who would not be made stateless, and linked the grounds for deprivation to the weighty ‘vital interests’ of the state test. This odd combination of expansion and contraction is explained by the government’s desire to stay on the right side of the European Convention on Nationality. Indeed, in committee Angela Eagle claimed this Convention was one of the main reasons for the Bill. If it is enacted, ‘we will be able to sign [the Convention], so we are working to modernise ... our system to bring [our deprivation provisions] in line.’ This is ‘a wholly non-sinister approach’.<sup>30</sup>

In the end, the parliamentary discussions made virtually no mark on the final legislation. The Blair government was true to its word in using its new powers sparingly. Only one deprivation order was made – in the end a failed one – under the provisions of the Act. The individual concerned was, of course, Abu Hamza.<sup>31</sup>

Yet other developments were afoot, suggesting a somewhat less restrained attitude. Two years after the passing of the Act, a clause was included in the Asylum, and Immigration (Treatment of Claimants, etc.) Act 2004, which allowed the government to deprive an individual of citizenship *before* an appeal had been heard. From now on, as Amanda Weston has noted, an individual lost citizenship ‘almost immediately after the notice of intention to deprive’ was served.<sup>32</sup>

#### **IV. The Immigration, Asylum and Nationality Act of 2006**

Another, more radical legislative change to the UK’s deprivation provisions was made less than four years later, again by Blair’s government. An amendment to the Immigration, Asylum and Nationality (IAN) Bill introduced in October, 2005 eased the standard required for deprivation. The new standard, which replaced the ‘vital interests of the state’ test, required that the Home Secretary show only that holding citizenship was ‘not conducive to the public good’.

The new standard was the result of concerns over terrorism sparked by the July 2005 tube and bus bombings in London. In a major press conference less than a month after the attacks, Tony Blair announced that the ‘rules of the game are changing’ with regard to expulsion. ‘If you come to our country from abroad,’ he stated, ‘don’t meddle in extremism... [or] you are going to be back out again.’ In the same speech, he announced, as part of a package of new rules, that that government would seek further powers to ‘strip citizenship’ and to make the current procedures ‘simple and more effective’.<sup>33</sup>

The amendment of deprivation law emerged after some inter party negotiations over new anti-terrorism measures during the summer. In parliament, the government defended the new ‘not conducive’ standard as ‘necessary to fight the domestic terrorist threat’.<sup>34</sup> It was clear that the government aimed to make deprivation provisions compatible with a list of ‘unacceptable behaviours’ that the Home Secretary, Charles Clarke, had announced. These behaviours,

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29 See, Matthew J Gibney, ‘Should citizenship be conditional? The ethics of denationalization.’ (2013) 75 *The Journal of Politics* 646–658.

30 House of Commons Committee, 30 April 2002

31 Duncan Gardham. ‘Abu Hamza Keeps British Citizenship’, *Daily Telegraph* (5 November 2010, online).

32 Amanda Weston, ‘Deprivation of Citizenship – by Stealth’ (2011) Institute of Race Relations (UK) <<http://www.irr.org.uk/2011/june/ha000018.html>> accessed 4 September 2012.

33 Prime Minister’s Press Conference, 5 August 2005. Online at [www.number10.gov.uk](http://www.number10.gov.uk)

34 House of Lords Debates, 14 March 2006, at 1190.

put forward as grounds for deporting non-citizens, included glorifying terrorist violence and fostering hatred that ‘might lead to inter-community violence’.<sup>35</sup>

The easing of the standard was a radical step for the government given the direction of history since 1918 had been to make the grounds of the power more constrained. Moreover, unlike in 2002, the expansion of deprivation power in one area was not softened by protections for individuals in another. The government had clearly dropped its intention to sign the European Convention on Nationality.

While the horror of the July 7 attacks appeared to mute criticism of the government’s proposal in Committee, the significance of the change went almost completely unchallenged. One of the few exceptions came from Lord Dholakia who said the new provision ‘amounts to an equation of deprivation of citizenship with the deportation of aliens’.<sup>36</sup>

The Immigration and Nationality Act received royal assent on March 30, 2006. This piece of deprivation legislation departed radically from the seminal piece of deprivation legislation of the last century, the Act of 1918. In the latter Act, the ‘conducive to the public good’ standard was an additional requirement on top of specific enumerated grounds for depriving legislation. After the 2006 Act, the ‘not conducive’ ground became the only thing that stood between dual national UK citizens and alienage.

A few months after the Act received Royal Assent, an Australian held in Guantanamo, David Hicks, applied for British citizenship by registration on the basis of his British mother. Hicks hoped that the UK would use its influence to pressure the US government to release him. On July 7, 2006, the British Home Secretary, John Reid, responding to an order by the Court of Appeal, granted Hicks British citizenship. A couple of hours later, the Home Secretary wrote to Hicks informing him that his citizenship had been revoked.<sup>37</sup>

The move against Hicks was not really evidence of a government emboldened by wider powers to denaturalise. Between January 2006 and the end of 2009, only four people lost their citizenship.

## **V. The Immigration Act of 2014**

Looking back on the Britain’s history at the end of 2009, it was plausible to conclude that the power to strip citizenship was largely a symbolic one. While the power that existed on statute was broad, it was rarely used; deprivation law seemed to exist largely to reassure the electorate that the government had the means necessary to fight terrorism. The mere existence of the means was sufficient. Over the last five years, this (somewhat benign) view of denaturalisation power has become untenable.

In the Cameron government’s first year of office in 2010–11, no fewer than six people were stripped of their citizenship. This was more people than the Blair and Brown governments had denaturalised in the previous nine years (in the immediate aftermath of the terrorist events of September 11, 2001 and July 7, 2005.) The enthusiastic use of deprivation power has continued apace in the years since. By May 2014, it was evident that Cameron’s government had some 23 people stripped of citizenship on ‘not conducive’ grounds in the last three years.<sup>38</sup>

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35 ‘Clarke Unveils New Deportation Rules’ BBC News (online), 24 August 2005.

36 House of Lords Debates, 19 January 2005, at 268.

37 ‘Reid Revokes Citizenship of Guantanamo Detainee’ *The Guardian* (online), 11 January 2007.

38 Adapted from figures in Melanie Gower, ‘Deprivation of Citizenship and Passport Facilities’, House of Commons Library, 4 September 2014, p 5.

The increased use of denaturalisation suggested that the government viewed the power as a powerful practical tool rather than something merely symbolic. The Home Secretary, Theresa May, used the power primarily on suspected terrorist nationals *outside* the UK in order to prevent their return (and arguably diminish their chance of a successful court appeal). Indeed, there was evidence that, in some cases, UK officials have actually waited for suspect individuals to leave the UK before issuing a deprivation orders simply to achieve that end.<sup>39</sup>

Along with greater use of current powers, the Cameron government sought new denaturalisation provisions. After the Supreme Court disallowed the deprivation of citizenship of a UK national (Mr Al-Jedda) on the grounds that he would be made stateless in October 2014 (*Secretary of State for the Home Department v Al-Jedda* [2013] UKSC 62), the government added an amendment to its new Immigration Bill (2014) enabling it to deprive an individual of citizenship even if statelessness would result.<sup>40</sup> The debate over this amendment generated the most lively and extended parliamentary discussion of denaturalisation power since the 1918 Act.<sup>41</sup>

The result of the parliamentary discussion was the passing of a complicated amendment. Single national UK citizens could now be stripped of citizenship, but only if they had received their citizenship through naturalisation and if they conducted themselves ‘in a manner which is seriously prejudicial to the vital interests of the United Kingdom, any of the Islands, or any British overseas territory’. In a bow to civil liberties concerns, the Home Secretary could make an individual stateless under this amendment only if she had reasonable grounds for believing that the person is able to become a national of another country or territory under its laws.

This new amendment provided a fascinating if disturbing twist in the development of UK denaturalisation law. Strikingly, the previously abandoned distinction between naturalised and native born UK citizens, once dismissed by the UK government as discriminatory, reappeared. Equally, the ‘seriously prejudicial’ test which held sway between 2002 and 2006 was resurrected, albeit this time only for a particular class of individuals (the naturalised). Finally, the power to deprive single nationals of citizenship and thus make individuals stateless was once again made available to UK governments, though it was limited by the need to establish that the individual concerned could access another citizenship and thus (presumably) avoid prolonged statelessness.

## Conclusion

By way of conclusion, one can draw a number of observations from the preceding discussion of the history of UK denaturalisation power. First, it is clear that no government in British history has ever had at their disposal more wide-ranging *grounds for* depriving citizenship from undesirable citizens than British governments have had over the last eight years. The ‘conducive to the public good’ standard, once moored to a set of specific undesirable actions by individuals, has since 2006 been set free, allowing great latitude to the Home Secretary to deprive dual nationals of their citizenship. Some types of UK citizens are hardly much more protected from expulsion than non-citizens.

Second, who is *subject* to deprivation power has also shifted dramatically over time, and (increasingly of late) not always in ways that reflect the constraining impact of human rights.

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39 Alice Ross and Patrick Galey, ‘Stripping UK Citizenship By Stealth’ Open Democracy, 13 February 2014 (Online).

40 Alice Ross and Olivia Rudgard, ‘Al Jedda: The Man Mentioned 11 Times by Home Office as it Tried to Change Immigration Bill’ 11 July 2013, Bureau of Investigative Journalism (Online).

41 Most of that debate occurred in between January and April 2014, during the Bill’s third reading in the Commons and second and third readings in the House of Lords.

First, British governments targeted the naturalised citizen, then the citizen by registration, then the dual national, and finally the naturalised citizen again. This chopping and changing in who can be deprived of their citizenship has been almost entirely without principled justification and has resulted in capricious hierarchies of citizenship.

Third, as recently as 2010, one could have argued that denaturalisation was largely a symbolic power for the UK state. With the clear of exception of the losses of citizenship generated in the frantic atmosphere of World War I and its aftermath, the power had been used sparingly and in a way that demonstrated the impress of the post-1945 concerns for human rights. Since 2010, however, with around 30 people losing their citizenship, the power can be considered symbolic no longer. This 'very transcendental power' is real, useful, and enormously consequential for both for individuals and for the government's counterterrorism policy.

Finally, a subtle transition in deprivation power's significance has become evident over the last few years. Throughout most of the UK's recent history, denaturalisation has been a quiet power, exercised rarely and often under the radar of public opinion. During the Cameron government, however, denaturalisation has become more frequently used and a headline political issue. Public calls for the power to be used against various unpopular groups of citizens have consequently grown. In this highly politicised environment, the power to deprive individuals of citizenship seems likely to become a state power of increasing importance.

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