

# information sheet

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## Deprivation of Citizenship

March 2014

The Government proposes, as part of the new Immigration Bill, to expand its existing power to deprive a person of his or her British citizenship. The new power would enable the Government to strip someone of his / her citizenship even if by so doing this would make the person stateless, that is, a person who is not considered by any State to be their citizen.

The relevant clause of the Bill, Clause 60 entitled “Deprivation of citizenship: conduct seriously prejudicial to the vital interests of the United Kingdom”, provides that the Home Secretary may deprive a person of citizenship if satisfied that it is conducive to the public good to do so, and the person has:

*“...conducted him- or herself in a manner which is seriously prejudicial to the vital interests of the United Kingdom”*

### Why is this being done?

The proposal comes as a result of the Government’s losing a legal battle in the Supreme Court last year in the case of *Al Jeddah*.<sup>1</sup> In that case, the Government argued unsuccessfully that they were entitled to make someone stateless through deprivation of their British citizenship if the person could have acquired another nationality but failed to do so. The Supreme Court disagreed, holding that UK law did not permit making a person stateless under any circumstances. Further information on the *Al-Jedda* case may be found on ILPA’s website [here](#).

### Who does this effect?

The clause provides for a discretionary power to deprive someone of his or her citizenship. The power can only be used against persons who have naturalised as British citizens, not those who are citizens by birth. Importantly, as with current powers of deprivation, the Secretary of State intends that the power may be exercised while the person is outside the UK, potentially leaving a former British citizen in legal limbo abroad and indefinitely preventing his / her return to the UK.

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<sup>1</sup> [2013] UKSC 62

## Why is this a problem?

Citizenship is a protected legal status under International law and an integral part of a person's identity. The Government seeks powers remove someone's citizenship in circumstances where this could leave them stateless and effectively stranded in exile abroad. The consequences of losing one's citizenship are grave; the consequences of becoming stateless even more so. As the Supreme Court put it in *Al-Jedda* (para.12): *... "worldwide legal disabilities with terrible practical consequences still flow from lack of nationality."* The United States Supreme Court has condemned the stripping of a person of their nationality as *"a form of punishment more primitive than torture"*<sup>2</sup>.

The Government has steadily been increasing the use of its powers to strip people of their British citizenship. In the 30 years to 2002, only one person was deprived of their citizenship. Between 2002-2006 one more person was deprived (and that was challenged). Since 2006, there have been 41 deprivations, of which 27 were on grounds that it was conducive to the public good. Last year alone there were 20 deprivations.

Arguably the Government's actions are out of step with its international obligations in this area. The right to a nationality is protected by Article 15 of the Universal Declaration of Human Rights and the UK is a signatory to the 1961 UN Convention on the Reduction of Statelessness.

ILPA considers that no one should be made stateless. As to any deprivation of citizenship, even where a person has a nationality, ILPA considers that:

- No-one should be deprived of their citizenship while outside the UK;
- That the persons should have a right of appeal against deprivation and should not be deprived of their citizenship unless and until they lose all their appeals.

The House of Lords debated the provisions on deprivation of citizenship on 17 March 2014 and you can read the debate on the Clause at the Committee stage [here](#)<sup>3</sup>.

## Further Information

ILPA's briefings on this clause may be found on our website. Our original briefing (Clause was then Clause 18): <http://www.ilpa.org.uk/resources.php/25742/ilpa-briefing-to-government-new-clause-18-deprivation-of-citizenship-conduct-seriously-prejudicial-t>

You can track the progress of the Immigration Bill here:  
<http://services.parliament.uk/bills/2013-14/immigration.html>

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<sup>2</sup> Trop v Dulles (1958): <http://www.law.cornell.edu/supremecourt/text/356/86>

<sup>3</sup> HL Deb 17 March 2014 c30