

Racing to the Bottom: Citizenship Stripping and the Nationality and Borders Bill (NABB) by
the [Institute on Statelessness and Inclusion](#) 22nd March 2022

Claiming to protect national security by depriving British citizens of their nationality is counterproductive, undermines the rule of law and the UK's standing in a post-Brexit world, and violates its international obligations. The proposed NABB threatens to [further accelerate the UK's race to the bottom](#).

Clause 9 of NABB [adds to an already damaging set of powers and practices](#) by permitting the Secretary of State to **deprive** British nationals of their **citizenship without notice**. This arbitrary power substantially affects deprived citizens of their **right to effective appeal**, since they are left unable to provide arguments and evidence in defence of their case in advance. This is compounded by the removal of the suspensive right of appeal in 2004 which means that deprivation takes immediate effect - even though [the majority of individuals are abroad at the time](#). Trials in such cases - and when the newly decreed ex-citizen is deported immediately - thus occur '*in absentia*'. This runs contrary to principles of open justice and natural justice, and contravenes the rule of law and [procedural safeguards](#). "[Parliament has \[already\] given the government unprecedented power to act as judge, jury and executioner without adequate safeguards on the use of that power](#)". Clause 9 if passed, will enable the government to do so in secret.

Nationality security experts equate citizenship deprivation and states blocking the return of their (criminal) citizens to "[illegal dumping on their neighbour's property](#)". Ostracising individuals in this way may also increase the security risk for the newly 'dumped on' host state and the international community if those individuals are driven to more radical activities. Canada rightly criticised the UK in the wake of Jack Letts' citizenship deprivation, stating that "[terrorism knows no borders, so countries need to work together to keep each other safe](#)". Further, if the UK loses sight of and jurisdiction over suspected terrorists, she **actually impedes their prosecution and conviction**.

In [a global survey of nationality deprivation powers since 9/11](#), 37 countries globally are found to have added new grounds for citizenship stripping relating to national security and counter-terrorism, with the UK being identified as a leader in the race to the bottom. The UK's practice of nationality deprivation violates numerous international obligations – including the avoidance of statelessness, the prohibition of arbitrary deprivation of nationality, and the prohibition of discrimination, as articulated in the [Principles on Nationality Deprivation as a National Security Measure](#). Several UN Special Rapporteurs have expressed concern that deprivation "[may be in violation of the principle of ne bis in idem, given the severely punitive impact of deprivation and the consequences on other human rights](#)". Furthermore, citizenship deprivation has a disproportionate [impact on minorities](#) and creates tiers of citizenship. The worrying, legally inaccurate position that "[citizenship is a privilege, not a right](#)" has undertones of an authoritarian state, rather than a liberal democracy.

The UK must urgently amend its nationality laws to ensure that individuals who are a threat to national security are brought effectively to justice within the UK, and she should work towards rebuilding her damaged reputation within the international community. We urge parliamentarians to:

- **Immediately remove clause 9 from the Nationality and Borders Bill as a first step towards enabling fairer and more effective appeals;**
- **Immediately reinstate the suspensive right of appeal to allow appeal before deprivation;**
- **Bring UK nationality law in line with international obligations relating to natural justice, due process of the law, the prohibition of arbitrary deprivation of nationality, prohibition of discrimination and avoidance of statelessness.**

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