

Australian stripped of citizenship despite being made stateless

Mike Head
5 January 2019

Aided by the complicity of the opposition Labor Party, Australia's unstable Liberal-National Coalition government began the political new year by revoking the citizenship of an Australian-born young man, Neil Prakash, 27, even though he lacks citizenship rights anywhere else. That annulment can be extended to his three infant children, reportedly born in Syria.

Prakash, still awaiting trial in Turkey on terrorism-related charges, has become the 12th person to be stripped of Australian citizenship since the Labor Party backed the introduction of new arbitrary revocation powers in 2015. His case has set a further far-reaching precedent because the government has proceeded despite authorities in Fiji rejecting Canberra's declaration that Prakash is a Fijian citizen on the basis that his father was Fijian.

Once again, the fraudulent "war on terrorism" declared by the US and its allies in 2001 has been invoked to overturn fundamental democratic rights—in this case, the right to citizenship itself, which carries with it essential civil and social rights such as voting, residence and access to healthcare and welfare. Without any kind of trial or due process, Prakash has been rendered stateless, in violation of international treaties.

When the Coalition and Labor pushed the draconian amendments to the Australian Citizenship Act through parliament in 2015, they claimed that the provisions were restricted to dual citizens—those who were "a national or citizen of a country other than Australia." That itself posed a potential threat to an estimated six million dual citizens—about a quarter of the country's population.

By revoking Prakash's citizenship, the Australian government has taken a lead in an anti-democratic drive that has implications far beyond the supposed fight against terrorism. Similar powers have been introduced in the allied countries, including the US, Britain, Canada and New Zealand, that fuelled the rise of terrorism by invading and laying waste to Afghanistan, Iraq, Libya and Syria.

Home Affairs Minister Peter Dutton this week defended the cancellation of Prakash's citizenship after the director of Fiji's Immigration Department, Nemani Vuniwaqa, declared that Prakash was not, as claimed by Dutton, a Fijian citizen. Interviewed by the *Fiji Sun*, Vuniwaqa confirmed Prakash had never entered the country or applied for citizenship. Nor had his

father applied on his behalf.

Nevertheless, Dutton insisted the revocation of Prakash's citizenship was legally sound, while refusing to detail the government's legal advice. In a display of contempt for legal rights, including Prakash's prospect of a fair trial in Turkey, Dutton declared he would "do whatever I can neutralise that threat" of "terrorists" returning to Australia and Prakash "should rot in jail in Turkey."

Every aspect of the Prakash case highlights the reactionary and politically-driven character of the citizenship-stripping powers. Dutton announced the move on December 29, as part of a fresh government scare-mongering offensive on the issues of "national security" and anti-refugee "border protection." Yet the *Australian* reported that the decision was actually made in August and Prakash was notified in late December, more than four months later.

This secrecy underscores the trashing of basic legal rights involved in the citizenship revocation process. Without any hearing, due process or even notice to the citizen, the government simply announces the decision, acting on a recommendation of a shadowy Citizenship Loss Board, made on the basis of unreliable material supplied by intelligence agencies. No appeal is permitted, except to the High Court or Federal Court after the decision has been made already, and then only on the legality of the process, not the facts or evidence. For someone in Prakash's situation, locked in a Turkish prison cell, such an appeal is virtually impossible.

Prakash, who appeared in Islamic State (IS) propaganda videos, has been accused of going to Syria to fight with IS, of being an IS member and of being involved in two alleged terrorist plots in Australia. How unreliable the intelligence allegations are likely to be, however, is highlighted by the fact that the US and Australian agencies twice celebrated killing Prakash. In May 2016, then Attorney-General George Brandis said US officials had confirmed that a US bomb strike killed Prakash in Mosul. Two months later, the US Central Command said four civilians had died in a strike targeting Prakash during April of that year.

As for the Citizenship Loss Board, it is not even mentioned in the legislation. It operates without any legal power or regulation. No protections against arbitrary government power,

such as jury trials, the presumption of innocence and procedural fairness, apply. Even the board's membership remained secret until a *Guardian* freedom of information application revealed limited details.

As of 2016, the members included seven senior officials of the immigration department (now the home affairs department), plus the prime minister's counter-terrorism coordinator, and high-ranking officials from the foreign affairs and attorney-general's departments, and the Australian Crime Commission. They were joined by unnamed representatives of the defence department, Australian Federal Police, the Australian Security Intelligence Service (ASIS) and Australian Security Intelligence Organisation (ASIO).

Until 2015, no one's citizenship could be revoked, unless it was obtained by proven fraud. Now, governments can unilaterally cancel citizenships in three ways, via sections 33 to 36 of the Australian Citizenship Act.

First, a person is deemed to "renounce by conduct" their citizenship if the home affairs minister is "satisfied" they participated in certain terrorist-linked or "hostile activity" overseas. Second, an individual "ceases" to be a citizen by "fighting for" or "being in the service of" any organisation listed by government decree as terrorist.

Third, a person "ceases" to be a citizen if jailed for more than six years for any of a long list of terrorism and politically-motivated offences, including "advocating terrorism," assisting an "enemy" of Australia, "foreign incursions and recruitment" and leaking security information. The list also includes offences that were redefined and expanded in last year's "foreign interference" legislation—treason, treachery, sabotage and espionage, and foreign incursions and recruitment.

Because of the sweeping definition of terrorism in the post-9/11 laws, a person could lose their citizenship, for example, for supporting the right of individuals, whether in Syria or any other country, to resist a US-led invasion. And the extended "foreign interference" crimes could affect anti-war and anti-government activists.

While defending the Prakash decision, Dutton foreshadowed further such actions. He said the government was working with Canada, New Zealand, the UK and the US to get "evidence or intelligence" on others.

News of Prakash's annulment came after the government, supported by the Labor Party, unveiled further amendments last November to make it even easier to revoke citizenship. Ramping up the government's nationalist propaganda against "violent radical Islam," Prime Minister Scott Morrison declared that "extremists" would be stripped of citizenship and deported, regardless of their status in any other country. If no other country would take them, they would be detained indefinitely.

The new provisions would apply regardless of whether a person is actually entitled to another citizenship. The home affairs minister would only have to be "reasonably satisfied"

that the person was a "national" of another state. In addition, the requirement of a six-year prison sentence would be removed from most of the offences for which citizenship automatically "ceases."

After the Fijian objection to the Prakash edict, the Labor Party accused Dutton of proceeding rashly in a manner that could undercut the 2015 legislation. Labor's immigration spokesman, Shayne Neumann, stated: "National security is too important an issue to be played with flippantly, and Labor supports the right of any government to strip dual nationals of their Australian citizenship to protect the Australian people."

This is consistent with Labor's record of supporting every measure since 2001 to bolster the powers of the state apparatus.

Throughout the media coverage of Prakash's plight there has been no mention of the fact that IS is largely a creation of the US-led wars in the Middle East, the real aim of which is to ensure US control over the resource-rich region and the entire Eurasian landmass, where Washington confronts Russia and China.

Likewise, there has been no reference to the economic and social conditions that enable Islamic fundamentalists to recruit vulnerable youth. In Australia's working-class suburbs, young people from immigrant backgrounds face high levels of unemployment, poor educational and social facilities and constant police harassment.

Prakash grew up in the Melbourne southeast suburb of Springvale South, largely raised by his Cambodian mother, who suffered mental illness. He did not finish school, nor a mechanic's apprenticeship. He reportedly became involved in youth gangs before exploring Buddhism and then Islam.

Now the political establishment that created those conditions is stripping him of all rights and setting a dangerous precedent for use against others.



To contact the WSWWS and the
Socialist Equality Party visit:

wsws.org/contact