

Johnson government moves to strip people of UK citizenship without notification

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The British government is escalating its assault on democratic rights, quietly introducing new amendments into its authoritarian Nationality and Borders Bill as it passes through report stage.

The latest update, noted in the UK's media only by the *Guardian*, would further strengthen the state's ability to revoke citizenship, without even needing to give notice of their actions. The new provision could be applied retrospectively to people deprived of citizenship before it became law.

The 111-page Bill is at committee stage ahead of its third reading in the House of Commons. It is due to receive royal assent in the spring and become law.

The power to strip citizenship has been steadily extended over the last two decades. Although provision existed in law prior to the Labour government's Nationality, Immigration and Asylum Act 2002, in practice no deprivation powers were used between 1973 and 2002. Before 2002, the law only allowed deprivation of citizenship from naturalised citizens, not citizens by birth.

Tony Blair's 1997-2007 Labour government extended the power to all British citizens, including birth citizens, in cases deemed "prejudicial" to national interests.

Since then, successive governments have further relaxed the legal constraints and broadened the range of justifications. Labour led the way. A 2006 amendment authorised deprivation of citizenship if it was "conducive to the public good."

This has formed the basis for attacks on rights over the last decade, with successive Tory administrations linking the provision ever more closely to immigration. For the first time, the 2014 Immigration Act allowed for citizenship deprivation even where it might cause statelessness.

It set three conditions if statelessness might result: it only covered naturalised citizens; it applied to "seriously prejudicial" conduct; and the Secretary of State should have "reasonable grounds" for thinking the person can acquire citizenship elsewhere.

The number of deprivations of citizenship has risen

drastically as a result. A Freedom of Information (FoI) request revealed that 81 deprivation orders were issued between 2011 and 2015. There were 14 in 2016, followed by 104 in 2017.

The government has already signalled its intentions. In 2019, then Home Secretary Sajid Javid revoked the citizenship of Shamima Begum, who had left Britain in 2015 as a 15-year-old schoolgirl to join, after being groomed online, the Islamic State (IS) group in Syria. Rendering her effectively stateless was justified on the grounds that she would be entitled to Bangladeshi citizenship.

The Bangladeshi government rejected this, as she had never visited the country, had no Bangladeshi passport, and had never applied for one. They said if Begum had been involved with IS in Pakistan she would face the death penalty: "If anyone is found to be involved with terrorism," said Abdul Momen, Bangladeshi Minister for Foreign Affairs, "We have a simple rule. There will be capital punishment. And nothing else."

Her case was used to generate a xenophobic and anti-Muslim storm and was a test case for further attacks. Israeli journalists have noted that all Jews, who are entitled to Israeli citizenship if they emigrate, could easily be deprived of British citizenship under the terms of the amendment.

Clause 9 of the current Bill, which was added without any discussion earlier this month, extends the provision, allowing the government to evade "Notice of a decision to deprive a person of citizenship" if that is not "reasonably practicable." It also exempts the government from responsibility for notifying the person if this is deemed in the interests of national security, diplomatic relations or otherwise in the public interest.

This discretionary approach would augment the Home Secretary's draconian powers. It was presaged by a 2018 provision allowing the government to "notify" someone simply by placing a copy of the order on their file if their whereabouts were unknown.

Now the requirement for notification has been eliminated altogether in cases where the home secretary deems it

necessary. From the wording in the Bill, it seems this provision can also be applied retrospectively if an individual was not notified before the clause became law, which casts doubt on the possibility of appealing the decision.

May Foa, director of human rights organisation Reprieve, said the new clause would give Home Secretary Priti Patel “unprecedented power to remove your citizenship in secret, without even having to tell you, and effectively deny you an appeal. Under this regime, a person accused of speeding would be afforded more rights than someone at risk of being deprived of their British nationality. This once again shows how little regard this government has for the rule of law.”

Emily Ramsden of advocacy group Rights and Security International told *Middle East Eye*, “Allowing the government to strip people of citizenship without even telling them would deepen the already Kafkaesque struggle of people deprived of citizenship—most of whom are likely from migrant communities—to protect their rights against abuses of power that are allowed to go unchecked by independent judges.”

It is a deliberate removal of those rights. The Nazis stripped Jews and political opponents of their regime of their citizenship to deprive them of their basic legal and democratic rights. In the post-war period, there has been a consensus view of citizenship, cited by Ramsden, as “the right to have rights.”

Johnson’s government explicitly rejects this. In a typically underhanded statement, a Home Office official described British citizenship as “a privilege, not a right.” The Home Office justified amending the law “so citizenship can be deprived where it is not practicable to give notice, for example if there is no way of communicating with the person,” although this repressive condition already exists in law.

The government denies the Bill extends its scope to deprive citizenship, but the amendment is part of a raft of measures that tear up international legal obligations. The Bill is draft legislation of an autocratic despotism. A team of leading immigration lawyers have called it the “biggest legal assault on international refugee law ever seen in the UK,” breaching international and domestic law in at least 10 ways.

Patel has seized on last weekend’s terrorist bombing in a carpark at Liverpool hospital to attack both the asylum system and any rule of law based on democratic rights. The bombing, she said, reflected “how dysfunctional” the asylum system is, and how “we need to change” a “professional legal services industry [that] has based itself on rights of appeal, going to the courts day in, day out at the expense of the taxpayers through legal aid.”

The attack by the Home Office on lawyers emphasises there is to be no legal recourse for anyone. The Bill would

criminalise anyone arriving in the UK by “irregular means” and “illegal routes.”

This is already in violation of the UN Refugee Convention and the European Convention of Human Rights. The Bill further criminalises anyone who seeks to save the lives of those in trouble during such perilous journeys. Its fascist “pushback” policy will grant immunity to Border Force staff if migrants die in the English Channel in the process of its enforcement. In breach of all maritime laws, the provision demonstrates the government’s determination to make deliberate acts of murder official policy.

The Home Office is seeking to impose even more sweeping attacks on the right to asylum, as part of its declared “hostile environment” against refugees. The immediate deportation of detained migrants to a processing centre in Albania is being proposed, according to plans leaked to the *Times* on Thursday. This emulates the Australian government’s so-called “Pacific solution” —cruel, indefinite detention in remote locations. The *Times* reported, “Albanian ministers played down the report of an agreement today, although *The Times* understands that the talks are continuing. Edi Rama, the Albanian prime minister...”

“Offshore processing” is significantly more expensive even than detention in Britain but is part of attempts to tear up legal obligations. Detaining migrants at centres against their will would breach international law. The newspaper said that “Plans to fly illegal Channel arrivals out of the UK within seven days would cost £100,000 per asylum seeker.”

None of the bourgeois parties, including Labour, have any differences with the draconian plans being rushed through by the Homes Office.

Any criticism they can muster, as with a few dissenting Tory MPs such as David Davis, is centred on the measures being “unworkable.” Speaking to the *Independent* this week, Labour’s former Home Secretary, Lord David Blunkett (who served as home secretary between 2001 and 2004 under Tony Blair) said that Patel was “making it up as she goes along”. He declared, “All these ideas [!] were explored 20 years ago [during Blunkett’s period in office], and none of them added up to either a practical or coherent plan; no adherence to international conventions.”



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