

The Right Hon. Boris Johnson MP

10 Downing Street

London SW1A 2AA

27 January, 2022

Dear Prime Minister,

We, the undersigned alliance, representing organisations and communities across the UK from all backgrounds, religions and political affiliations, are writing to express our deep concern about Clause 9 of the Nationality and Borders Bill (the Bill), which is currently before Parliament.

We ask that the Government remove Clause 9 from the Bill currently being considered in the House of Lords.

There are millions of us in this country who became British citizens by way of naturalisation or have ancestral links to a country outside the UK, and we now feel that our citizenship is regarded as second-class, if the Bill with Clause 9 becomes law. Considering its draconian nature and its likely implications, our sense of safety, security and belonging has been shaken.

The Bill was introduced to the House of Commons on 6 July 2021 and Clause 9 was introduced by the Government on 2 November 2021 at the Committee stage. It proposed a new clause specifying the circumstances under which the Secretary of State would be able to deprive a person of their British citizenship without notice.

Clause 9 of the Bill proposed to change section 40 (5) of the Nationality Act 1981, which requires to give "Notice of decision to deprive a person of citizenship," by inserting a subsection (5A). It will empower the Secretary of State to deprive citizenship without having to give notice if it is not "reasonably practicable" to do so; or if it is in the interests of national security, diplomatic relations or otherwise in the public interest. This is indeed seriously concerning.

The UK Government currently has greater powers to deprive individuals of their citizenship than any other G20 country. Since 2011, the power to deprive citizenship has been used to strip at least 441 people of their citizenship, with 104 cases in 2017 alone. The proposed new discretionary power to deprive a person of citizenship without notice is fundamentally against our democratic values; rule of law and "fundamental principle" of the UK legal system that "notice of a decision is required before it can have the character of a determination with legal effect": *R (Anufrijeva) v SSHD* [2004] 1 AC 604 per Lord Steyn (Lords Hoffman, Millett and Scott agreeing). Hence, adding Clause 9 would be manifestly wrong in law and common-law requirements of procedural fairness.

Clause 9 is unconstitutional and should be removed from the Bill. It breaches the common law, international legal standards, and human rights law.

However, we want to go further. We call for the powers of deprivation of British citizenship to be scrapped altogether, because of their discriminatory nature and incompatibility with democratic values.

We believe that citizenship is a right, not a privilege, and should not be subject to arbitrary deprivation. We are concerned about the increasing use and expansion of deprivation powers over the years and through changing governments.

The existing powers to deprive an individual of their citizenship, contained in section 40 of the British Nationality Act 1981, as amended, are constructed in ways that greatly and disproportionately affect Black, Asian, and other minority ethnic citizens, who are far more likely to be dual nationals or be eligible for another nationality, and groups that are already marginalised.

These powers include the right to strip a dual national of their British citizenship if the Secretary of State for the Home Department is satisfied that it is “conducive to the public good”. For a naturalised British citizen, even if they are not a dual national, they can be stripped of their citizenship if the Secretary of State is satisfied they have acted in a manner “seriously prejudicial to the vital interests of the UK”, and has a “reasonable belief” that the person can become a citizen of another country, even if it makes them stateless. Some have already been made stateless.

The power to strip people of their British citizenship is a draconian measure with a disproportionate impact that is an affront to justice and to any sense of citizenship as a unifying status of all who possess it.

By introducing Clause 9, the Secretary of State proposes to exercise these powers in secret, which would affect the ability of a person to challenge the legality of the deprivation decision taken against them. As stated by the Joint Committee on Human Rights, it would render their right of appeal ‘meaningless’ and risks violating their right to a fair trial.

We call for Clause 9 to be removed from the Bill and a frank and fundamental discussion to be opened up about the government’s powers to remove citizenship.

Yours sincerely,

Signed

Nazek Ramadan, Executive Director, Migrant Voice

Cllr. Khaled Noor, Chairperson, The Muslim Professionals Forum

Toufik Kacimi, CEO, Muslim Welfare House

Harvey Singh Sehejpal, General Secretary, Gurdwara Baba Sang Ji. Smethwick

Bishop Paul Hendricks and Shaykh Ibrahim Mogra, Co-chairs, Christian Muslim Forum

Dr Nazia Khanum OBE DL, Chair, United Nations Association Luton

Ashok Viswanathan, Acting Director, Operation Black Vote

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Ferdous Ara, Management Committee member, Muslim Community Association

Zafar Khan, Chairman, Luton Council of Faiths

Jabeer Butt OBE, CEO, Race Equality Foundation

Frances Webber, Vice-chair, Council of management, Institute of Race Relations

Maurice Mcleod, CEO, Race on the Agenda

Satbir Singh, Chief Executive, Joint Council for the Welfare of Immigrants

Tim Naor Hilton, Chief Executive Officer, Refugee Action

Sian Summers-Rees, Chief Officer, City of Sanctuary UK

Sir Iqbal Sacranie, Chairman Board of Trustees, Balham Mosque & Tooting Islamic Centre

Dr Halima Begum, CEO, Runnymede Trust

Oli Khan, President (London Region), UKBCCI

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Veecca Smith Uka, Founder, Fresh Grassroots Rainbow Community

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Amos Schonfield, Director, Our Second Home

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