

# British Home Secretary Waited Until Terror Suspect Was Abroad Before Stripping Citizenship

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The Bureau has found evidence that the Secretary of State, Theresa May deliberately waited for a terror suspect to leave the country before revoking his British citizenship.

The move, described by the suspect's lawyer as an abuse of the Home Secretary's powers followed the advice of a Home Office official. He wrote to May saying: 'When [the suspect] leaves the UK, he should be deprived of his British citizenship.'

In a witness statement presented to the Court of Appeal, the official explained to the Home Secretary that waiting until the suspect, referred to in court as L1, had gone abroad voluntarily before removing his citizenship enabled her to avoid having to deport him, which could have led to him remaining in the UK for 'a period of years' while he fought legal appeals.

The revelation comes as the Security Minister denied that there was a government policy of removing a person's citizenship when they were out of the country.

The minister, James Brokenshire [was talking to MPs](#) at a debate in Westminster Hall about an amendment added to the Immigration Bill.

He said: 'It is true that people have been deprived while outside the UK, but I do not accept that it is a particular tactic.'

'It is simply an operational reality that in some cases the information comes to light when the person is outside the UK or that it is the final piece of the picture, confirming what has been suspected. In other cases, we may determine that the most appropriate response to the actions of an individual is to deprive that person while they are outside the UK.'

The current laws allow the Home Secretary to remove the citizenship of any dual national - including those born inside the UK - with no prior warning and no judicial approval in advance. Since the current laws were passed in 2006, Bureau research has established that 40 orders have been issued.

Now, May is seeking an amendment to the Immigration Bill that will [allow her to strip the UK nationality](#) of naturalised or foreign born individuals, even if they have no other nationality, effectively rendering them stateless.

The Home Secretary often signs exclusion orders at the same time, preventing the individuals from returning to the UK. This means that those affected - and sometimes their families too - are stranded overseas, lacking the protections of British citizenship as they

fight legal appeals that can stretch on for years.

The terror suspect, L1, came to the UK from Sudan as an asylum seeker in 1991 and became British in 2003.

The process of removing his citizenship dates back to the Labour government. A Court of Appeal [judgment from July 2013](#) shows that in mid-2009 the Home Office was at an 'advanced stage' of planning to remove the UK nationality of L1 as he was in his native Sudan for the summer.

But the plans were shelved, after he returned to the UK before the notification was dispatched. He does not appear to have been charged with any crimes in the UK or put under any measures such as TPIMs, and remained at liberty for the next 10 months, before leaving again in July 2010 of his own will.

Four days after leaving the country the Home Secretary issued notification that his citizenship was to be revoked.

Since the removal of his British nationality, L1 has been stranded in Sudan, unable to return to the UK. His wife, who is also Sudanese, lost her right to remain in the UK when L1's citizenship was removed – meaning that his four children, all British citizens and all aged under 10 at the time of the order – are effectively exiled from the UK too.

L1's lawyers claim the Home Secretary's decision to wait until L1 was out of the country was an abuse of her powers as it 'appeared to constitute a deliberate manipulation... for the purpose of obstructing [L1's] statutory right of appeal or making it more difficult to exercise', as Lord Justice Laws noted last year in his written judgment.

When asked about the official's witness statements in the case of L1, a spokeswoman said the Home Office does not comment on individual cases. It has in the past declined to disclose the number of UK citizens stripped of their nationality while they were abroad, on grounds of national security.

In a statement that closely resembled statements provided on at least four previous occasions, the spokeswoman said: 'Those who threaten this country's security put us all at risk. This government will take all necessary steps to protect the public.'

'Citizenship is a privilege, not a right and the Home Secretary will remove British citizenship from individuals where she feels it is conducive to the public good to do so.'

She also denied that it has a policy of waiting until individuals are out of the UK before removing their citizenship.

But research by the Bureau has also found that of the [18 individuals we have identified](#) who have lost their UK nationality removed since 2006, at least 15 were known to be abroad when orders to remove their citizenship were issued.

Of those individuals, two – Mohammed Sakr and Bilal al-Berjawi – were [killed in US drone strikes](#) in Somalia. Another, Mahdi Hashi, was [rendered to the United States](#) where he's currently awaiting trial on terror charges in a high-security jail.

Speaking in the parliamentary debate, Diane Abbott pointed out that debate around

citizenship-stripping often failed to presume the innocence of individuals who had not faced criminal charges.

'We are talking about terror suspects. Nowadays in Parliament, saying that someone is suspected of terrorist activity is enough for the political class to assume that that person does not deserve due process,' she said.

Saghir Hussain of HMA solicitors, who has represented Sakr, Berjawi and Hashi, and one other individual referred to in court as Y1, told the Bureau: 'All four had their notice [of deprivation of citizenship] sent to them while they were out the country and with all four there were serious problems getting legal instructions to them to appeal against this stripping.

'It's extremely difficult when they are outside [the UK]. The process of obtaining legal aid takes months and only very few lawyers are able or willing to work for free.'

The Security Minister also told MPs in the parliamentary debate that British terror suspects who have their nationality stripped under the new plans may have the right to remain in the UK. He explained that suspects subjected to new orders being proposed by Home Secretary could stay in Britain until 'they have acquired another nationality.'

Brokenshire added that individuals made stateless under new legislation while in the UK would have the opportunity to seek a second nationality before being extradited.

'Some [suspects] may be able to acquire or reacquire another nationality. In those cases where the individual has been deprived [of their citizenship] while in the UK we would seek to remove that individual from the UK once they have acquired another nationality,' he said. 'Where appropriate we could regularise a person's position in the UK by granting limited leave, possibly with conditions relating to access to public funds and their right to work and study.'

Chris Bryant, Labour MP for Rhondda, questioned whether rendering people stateless would benefit national security.

'Potentially, the only countries that would offer nationality to a person reckoned to be a suspected terrorist would be countries where we probably would not want that person to end up, because they would by definition be countries that sponsor terrorism,' he said.

'We recognise the need to avoid statelessness and are committed to maintaining our international obligations. However, we do not believe that that should be at a cost to the national security of the UK,' Brokenshire said.

### **'Two-tier' citizenship?**

MPs voiced concern on Tuesday that prospective changes to the Immigration Bill allowing the Home Secretary to make people stateless would result in 'two classes of British citizens.'

Theresa May is seeking the power to strip terror suspects of their UK nationality even if it renders them stateless – currently she can only use the law against dual-nationals, who won't be left stateless by the loss of their British nationality. The changes in legislation will only apply to foreign-born or naturalised British citizens.

Diane Abbott, Labour MP for Hackney North and Stoke Newington, said: 'We will have two classes of British citizens. That is a dangerous road to go down.'

Abbott added: 'The fear will be that although this has started with suspected terrorists, where will it end, once the state decides that British citizenship is not indivisible?'

Security minister James Brokenshire replied: 'We do not accept that there is, or will be, a two-tier citizenship system.'

But a recent Home Office briefing showing how the Immigration Bill amendment seeks to comply with EU law, said it was 'satisfied that there is an objective and reasonable justification for treating naturalised citizens differently from others.'

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