

Strip Britons of UK Citizenship, Then Kill them with Drone Strikes after Passports revoked

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The government has secretly ramped up a controversial programme that strips people of their British citizenship on national security grounds – two of whom have been subsequently killed by US drone attacks.

An investigation by the Bureau of Investigative Journalism and published in the Independent has established that since 2010 the Home Secretary Theresa May has revoked the passports of 16 individuals many of whom are alleged to have had links to militant or terrorist groups.

Critics of the programme warn that it also allows ministers to ‘wash their hands’ of British nationals suspected of terrorism who could be subject to torture and illegal detention abroad.

They add that it also allows those stripped of their citizenship to be killed or ‘rendered’ without any onus on the British government to intervene.

At least five of those deprived of their UK nationality by the Coalition government were born in Britain, and one man had lived in the country for almost 50 years.

Those affected have their passports cancelled, and lose their right to enter the UK – making it very difficult to appeal the Home Secretary’s decision.

Last night the Liberal Democrat’s deputy leader Simon Hughes said he was writing to the Home Secretary to call for an urgent review into how the law was being implemented.

The leading human rights lawyer Gareth Peirce said the present situation ‘smacked of medieval exile, just as cruel and just as arbitrary’.

Ian Macdonald QC, president of the Immigration Law Practitioners’ Association, described the citizenship orders as ‘sinister’.

‘They’re using executive powers and I think they’re using them quite wrongly,’ he said.

‘It’s not open government, it’s closed, and it needs to be exposed because in my view it’s a real overriding of open government and the rule of law.’

Laws were passed in 2002 enabling the Home Secretary to remove the citizenship of any dual nationals who had done something ‘seriously prejudicial’ to the UK, but the power had rarely been used before the current government.

The Bureau's investigations have established the identities of all but four of the 21 British passport holders who have lost their citizenship, and their subsequent fates. Only two have successfully appealed - one of whom has since been extradited to the US.

A law unto herself: How the Home Secretary has the power to strip British citizenship

The Home Secretary has sole power to remove an individual's British citizenship. The decision does not have to be referred through the courts.

From the moment the Home Secretary signs a deprivation of citizenship order, the individual ceases to be a British subject - their passport is cancelled, they lose the diplomatic protections Britain extends to its citizens, and they must apply for a visa to re-enter the country.

The Home Secretary can only deprive an individual of their citizenship if they are dual nationals. The power cannot be used if by removing British citizenship it renders an individual stateless.

The Home Secretary, Theresa May can use the power whenever she deems it 'conducive to the public good'. She can act based on what she believes someone might do, rather than based on past acts.

The only way to challenge an order is through retrospective appeal. Where the deprivation is on national-security grounds, as in almost every known case, appeals go to the semi-secret Special Immigration Appeals Commission (Siac).

Siac hears sensitive, intelligence-based evidence in 'closed' proceedings - where an individual and their legal team cannot learn the detail of the evidence against them. Instead, a special advocate - a carefully vetted barrister - challenges the government's account. But once they have seen the secret material they cannot speak with the defendant without the court's permission, making cross-examination 'pretty useless', in the words of former special advocate Ian Macdonald.

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