



Nationality and Borders Bill
House of Lords, Committee Stage
Day 1, 27 January 2022

Deprivation of citizenship
(Clause 9 and related amendments)

Introduction

1. Clause 9 would permit the Home Secretary to exercise her powers to deprive a British person of citizenship without informing that person. We strongly oppose this measure. We are also extremely concerned at the way these deprivation powers, which Clause 9 would permit to be exercised in secret, have over recent years and longer been extended and their use increased.
2. A short history of the power is set out as an Appendix to this briefing. In summary, when first introduced on 1 January 1915, the power to deprive could only be applied to a naturalised British citizen,¹ who had acquired their naturalisation by fraud or some other deception. Naturalisation is the means by which an adult migrant to the UK may be made a British citizen at the discretion of the Home Secretary. The existing power to deprive applies, on its face, to all British citizens, however they have acquired their citizenship. It can be exercised both where citizenship has been acquired by deception or where the Home Secretary decides it is conducive to the public good for her to strip a person of their citizenship. Where deprivation is on the basis that the citizenship was acquired by deception, the power can be exercised even if this would leave the person stateless. Deprivation on 'conducive to the public good grounds' is generally not permitted if the person will be made stateless. However, if the person is a naturalised citizen there are circumstances in which it can be used to make the person stateless.
3. Black, Asian and minority ethnic citizens are disproportionately affected by the scope of the power to deprive. This is firstly because naturalised citizens are more at risk because since 2014, they can be made stateless on 'conducive to the public good' grounds. It is secondly because dual nationals, who are citizens by right, remain within the scope of the power in circumstances where their peers are not. This is so even in circumstances where a person was born

¹ British nationality law has gone through many complex changes over the period discussed in this briefing. We refer to British citizenship throughout to make things simpler.

in the UK, has lived here their entire life, is as closely connected and identifying as British as any of their peers and has no idea the laws of another country treat them as having that country's citizenship.

4. The changes since 1915 have greatly enlarged the power of deprivation and the number of citizens against whom it may be applied. They have also fundamentally altered its nature. In doing so, these changes have radically undermined citizenship and the relationship between the citizen and their Government and country.
5. There are various amendments tabled in connection with Clause 9. These amendments include to remove this clause, to row back the deprivation powers to which it relates and to extend oversight of the use of these powers. We broadly support each of these amendments.
6. This briefing addresses each amendment in the order in which they appear on the Running List of Amendments tabled up to and including 21 January 2022. Accordingly, this briefing is divided into the following sections:

Section	Pages
Amendment: Deprivation of citizenship (tabled by Lord Moylan, Baroness Fox, Baroness Mobarik and Baroness Warsi)	2-5
Intention to Oppose inclusion of Clause 9 (tabled by Lord Anderson, Lord Rosser, Lord Paddick and Baroness Warsi)	5-8
New Clause: Duration between Secretary of State's reviews of deprivation power (tabled by Lord Anderson)	8-9
New Clause: Repeal of power to deprive citizenship except for cases of fraud etc. (tabled by Baroness Bennett)	10
New Clause: Right to appeal deprivation of citizenship to a Tribunal (tabled by Baroness Bennett)	11
Appendix – summary of the history of the power of deprivation	12-13

Amendment: Deprivation of citizenship (Lord Moylan and others)

7. The amendment below would achieve two purposes, both of which we support:
 - remove Clause 9 (the power to deprive without notice); and
 - row back the power of deprivation.
8. The amendment would achieve these purposes by removing Clause 9 and inserting in its place a New Clause. The position to which that New Clause would row back is close to the power as it was originally enacted by the British Nationality Act 1981. As explained in paragraph 14, below, our support for this amendment is subject to a specific concern affecting naturalised citizens.

LORD MOYLAN
 BARONESS FOX OF BUCKLEY
 BARONESS MOBARIK
 BARONESS WARSI

Leave out Clause 9 and insert the following new Clause—

“Deprivation of citizenship

(1) For section 40 of the British Nationality Act 1981 substitute—

“40 Deprivation of citizenship

(1) Subject to the provisions of this section, the Secretary of State may by order deprive any British citizen to whom this subsection applies of his British citizenship if the Secretary of State is satisfied that the registration or certificate of naturalisation by virtue of which he is such a citizen was obtained by means of fraud, false representation or the concealment of any material fact.

(2) Subsection (1) applies to any British citizen who—

(a) became a British citizen after commencement by virtue of—

(i) his registration as a British citizen under any provision of this Act; or

(ii) a certificate of naturalisation granted to him under section 6; or

(b) being immediately before commencement a citizen of the United Kingdom and Colonies by virtue of registration as such a citizen under any provision of the British Nationality Acts 1948 to 1964, became at commencement a British citizen; or

(c) at any time before commencement became a British subject (within the meaning of that expression at that time), or a citizen of Eire or of the Republic of Ireland, by virtue of a certificate of naturalisation granted to him or in which his name was included.

(3) Subject to the provisions of this section, the Secretary of State may by order deprive any British citizen to whom this subsection applies of his British citizenship if the Secretary of State is satisfied that that citizen—

(a) has shown himself by act or speech to be disloyal or disaffected towards Her Majesty; or

(b) has, during any war in which Her Majesty was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist an enemy in that war; or

(c) has, within the period of five years from the relevant date, been sentenced in any country to imprisonment for a term of not less than twelve months.

(4) Subsection (3) applies to any British citizen who falls within paragraph (a)(ii) or (c) of subsection (2); and in subsection (3) “the relevant date”, in relation to a British citizen to whom subsection (3) applies, means the date of the grant of the certificate of naturalisation by virtue of which he is such a citizen.

(5) Before making an order under this section the Secretary of State shall give the person against whom the order is proposed to be made notice in writing informing him of the ground or grounds on which it is proposed to be made and of his right to an appeal under section 40A.

(6) The Secretary of State—

(a) shall not deprive a person of British citizenship under this section unless he is satisfied that it is not conducive to the public good that that person should continue to be a British citizen; and

(b) shall not deprive a person of British citizenship under subsection (3) if it appears to him that that person would thereupon become stateless.

(7) The preceding provisions of this section shall apply in relation to British Overseas Territories citizens and Overseas Territories citizenship as they apply in relation to British citizens and British citizenship, but as if in subsection (2)(a)(ii) the reference to section 6 were a reference to section 18.”

(2) Omit section 40B of the British Nationality Act 1981.”

Member’s explanatory statement

This amendment would restrict the power of the Secretary of State to deprive a British citizen of nationality to (a) naturalised and registered citizens who had fraudulently obtained that status and (b) naturalised citizens in specified circumstances if doing so would not render the person stateless.

9. This amendment would have the following effects:

- (a) No British citizen by birth, adoption or commencement of the 1981 Act could be deprived of their citizenship.
- (b) A British citizen by registration could only be deprived of their citizenship on the grounds that the person had acquired citizenship by fraud, false representation or concealment of a material fact.
- (c) A British citizen by naturalisation could be deprived of their citizenship if that person had acquired citizenship by fraud, false representation or concealment of a material fact.
- (d) A British citizen by naturalisation could also be deprived of their citizenship if the person showed themselves to be disloyal or disaffected, had unlawfully engaged or assisted an enemy in war or, within 5 years of being naturalised, was sentenced to a term of imprisonment of at least 12 months. Deprivation on these grounds would only be permitted if this did not make the person stateless; and if it was not conducive to the public good to permit the person to remain a citizen.
- (e) The current requirement to provide written notice of a decision to make an order to deprive a person of citizenship would remain.
- (f) The current right of appeal against a decision to make such an order would also remain.
- (g) The power would apply to British overseas territories citizenship in the same way as it applies to British citizenship.

10. The amendment would address some of the many concerns expressed from across the House at Second Reading; and allay some of those concerns that have been expressed from many individuals and interest groups outside Parliament.

11. Firstly, it would secure against deprivation the citizenship of everyone who acquired their citizenship by right.² As was said at Second Reading, the power to deprive is a modern equivalent of “*the ancient practice of banishment.*”³

² That is citizens by birth, adoption, commencement of the 1981 Act or registration.

³ *Hansard* HL, Second Reading, 5 Jan 2022 : Col 602 *per* Lord Anderson

Banishment has no place in the modern world. “A nation’s citizens are its responsibility”⁴ and it is a poor reflection upon the UK and successive governments that the power has not merely been retained but expanded so widely, particularly over recent years.⁵

12. In ending this practice of banishment, the amendment recognises rightly that citizenship is a matter of rights.⁶ Citizenship has been described as “*the right to have rights.*”⁷ These include the right of abode, which is the right to live in, or go and return to, one’s own country. These rights are acquired by British citizens in all cases by right – save for in the case of naturalisation.

13. As emphasised at Second Reading, citizenship is not merely a fundamental right. It is also a fundamental matter of a person’s very identity.⁸ Yet, the successive extensions of the power to deprive, set out in this briefing’s Appendix, have fundamentally weakened British citizenship and rights to it. This amendment would go some considerable way to reversing the damage done by all political parties that have held office since 1981 in “[tearing] down the basic belief that all citizens in this country are and should be equal and that, as a citizen, you are a permanent member.”⁹

14. It would, nonetheless, retain a longstanding distinction between citizens by right and citizens by naturalisation. The latter could face deprivation for:

- acts equivalent to the similarly longstanding notion of treason; or
- receiving a sentence to imprisonment of at least 12 months within 5 years of naturalisation.

PRCBC and Amnesty consider the imprisonment provision is long-outdated and too far-reaching.¹⁰ We do not, with respect, support its inclusion.

15. This amendment would nonetheless, in other ways, constitute a substantial improvement to the current position in ways that would significantly restore respect for the rights of British citizens and the importance of British citizenship on the part of Government.

Intention to Oppose inclusion of Clause 9 (Lord Anderson and others)

16. The amendment below would remove Clause 9 from the Bill. We support the removal of Clause 9, which would also be achieved by the previous amendment (see above) tabled in the names of Lord Moylan and others.

⁴ *Hansard* HL, Second Reading, 5 Jan 2022 : Col 594 *per* Baroness Chakrabarti

⁵ See Appendix to this briefing.

⁶ As many peers identified, including Baroness Fox of Buckley with whom Viscount Trenchard indicated his agreement (*Hansard* HL, Second Reading, 5 Jan 2022 : Cols 592 & 651), the Government’s treatment of citizenship as a gift to be handed down or snatched away is wrong and offensive.

⁷ *Perez v Brownell*, 365 US 44, 64 *per* Warren CJ; *Secretary of State for the Home Department v Al-Jedda* [2013] UKSC 62, para. 15

⁸ *Hansard* HL, Second Reading, 5 Jan 2022 : Col 638 *per* Lord Moylan

⁹ *Hansard* HL, Second Reading, 5 Jan 2022 : Col 655 *per* Baroness Warsi

¹⁰ Its origins are identified in the Appendix

LORD ANDERSON OF IPSWICH
LORD ROSSER
LORD PADDICK
BARONESS WARSI

The above-named Lords give notice of their intention to oppose the Question that Clause 9 stand part of the Bill.

17. Clause 9 is about stripping a person of the citizenship they have and are recognised to have.¹¹ It is to permit this without the person affected being informed. In the other place, the Rt Hon David Davis (Con), with support from across that House, moved an amendment to remove Clause 9 from the Bill but did not press it to a vote.¹²

Deprivation of citizenship by stripping a person of that citizenship

18. Deprivation of citizenship is a draconian step with profound and potentially very harmful consequences for the person affected. It may have similar effects for family members. PRCBC and Amnesty remain with serious concerns about the extent of powers of deprivation and their disproportionate impact on individual people and communities that share racial and religious protected characteristics.¹³ Clause 9 is solely concerned, however, with the question of whether a person, whom the Home Secretary decides to strip of their citizenship, is to be notified of that decision or event. It has understandably attracted considerable disquiet, fear and anger among many people and groups.¹⁴

High Court judgment in case of *D4*

19. Clause 9 is, on its face, a response to the decision of the High Court on 30 July 2021 that the current powers of the Home Secretary to strip a person of citizenship may not be exercised by merely recording the decision to do this on the Home Office file.¹⁵ Clause 9 goes far further than even the submissions of the Home Secretary to the court in seeking to explain the rationale for her previous unlawful policy and practice by which she did not notify some people of her decision to strip them of citizenship.

The circumstances in which clause 9 will permit the Home Secretary to not inform a British citizen of her decision to strip that person of their citizenship

20. If implemented, clause 9 will permit the Home Secretary to strip a person of British citizenship secretly. The circumstances in which the Home Secretary will be permitted to do this are that:

¹¹ Clause 9 amends section 40 (deprivation of citizenship) of the British Nationality Act 1981

¹² *Hansard* HC, Report, 7 December 2021 : Col 226

¹³ Equality Act 2010

¹⁴ As was both acknowledged and reflected in the House at Second Reading on 5 January 2022

¹⁵ *R (D4) v Secretary of State for the Home Department* [2021] EWHC 2179 (Admin)

- (a) she considers she does not have information needed to inform the person;
- (b) she has the information needed but does not think it “*practicable*” to inform the person; or
- (c) she has the information and it is practicable to inform the person, but she nonetheless thinks not doing so is in the interests of national security, the relationship between the UK and another country or otherwise in the public interest.

Government’s justification

21. In advancing the Government’s case for the Bill at Second Reading, Lord Wolfson of Tredegar described Clause 9 as follows:

“[The Clause is]... to ensure that the power [to deprive of citizenship] can still be used when, because of exceptional circumstances, it is not possible to notify the person of that decision. But that is not a policy change: the grounds on which that decision can be taken and the statutory right of appeal from it remain unchanged.”¹⁶

22. Baroness Williams in closing that debate stated as follows:

“...the Bill does not widen the reasons for which a person can be deprived of their British citizenship. The change is about the process of notifying the individual.”¹⁷

23. With the greatest of respect to Government Ministers, these explanations constitute a considerable over-simplification of an extremely dangerous provision. What is proposed in Clause 9 is not about “*the process of notifying*” anyone. It is precisely the opposite. It is about not notifying them at all. The circumstances in which that is to be permitted expressly include where it is clearly possible to notify the person and the means to do so are known to the Home Secretary. While the statutory right of appeal will remain on the statute book, it will be entirely inaccessible to the person unless and until the person is made aware of the intention to strip them of citizenship or that this has been done. That is a profound change – not simply of policy but of law.¹⁸

24. In some circumstances, keeping the decision secret may lead directly to a person never being able to exercise the right of appeal.¹⁹ Being exiled from one’s country also raises profound barriers to being able to effectively instruct lawyers and engage in any appeal process even if the person is aware of their right to do so.

¹⁶ *Hansard* HL, Second Reading, 5 January 2022 : Col 575

¹⁷ *Hansard* HL, Second Reading, 5 January 2022 : Col 664

¹⁸ As discussed in the ILPA briefing/blog by Adrian Berry here: <https://nationalityandcitizenshiplaw.com/2022/01/20/deprivation-of-citizenship-clause-9-of-the-nationality-and-borders-bill-notice-of-decision-to-deprive-a-person-of-citizenship/> and further discussed in the opinion of Raza Husain QC and others to be found in that same briefing/blog.

¹⁹ As

25. Exercising the power in secret also increases the risk the power is used where the Home Office is mistaken as to the limits of its powers or is misinformed as to the relevant facts upon which it bases its exercise of them.

26. Merely by way of example, we highlight one dreadful way by which Clause 9 could lead to considerable abuse and harm to a British citizen. Among the reasons it would be permitted to deprive a person of their citizenship without telling them, is that the Home Secretary thinks it in the interests of relations with another country to not notify the person of their being deprived. If, therefore, another country was to mislead the Home Secretary about the conduct of a British citizen for the purpose of harming that person, this new power would effectively deprive that citizen of any opportunity to correct the falsehood.

27. As several peers identified at Second Reading, the underlying power to deprive, which Clause 9 would permit to be used in secret, already disproportionately affects Black, Asian and other minority ethnic citizens.²⁰ It is entirely unsurprising the prospect of this power being used in secret has caused real fear and anger. Ministers have sought to demean such protestations as “scaremongering”.²¹ With respect, people have every reason to be scared at the prospect of their Government exercising power to strip them of their citizenship in secret.

Conclusion:

28. We strongly support the removal of Clause 9 from the Bill.

New Clause: Duration between Secretary of State’s reviews of deprivation power (Lord Anderson)

29. The following New Clause concerns the duty upon the Secretary of State to arrange regular reviews of her power to deprive a British person of their citizenship. It makes two changes:

- It would require these reviews to take place annually rather than every three years.
- It would require these reviews to consider the entirety of the powers of deprivation.²²

LORD ANDERSON OF IPSWICH

After Clause 9, Insert the following new Clause—

²⁰ e.g. *Hansard* HL, 5 January 2022 : Col 591 *per* Baroness Fox of Buckley, Col 650 *per* Lord Woolley of Woodford and Col 654 *per* Baroness Warsi

²¹ *Hansard* HL, 5 January 2022 : Col 665 *per* Baroness Williams of Trafford

²² Currently, only the power when exercised under section 40(4A) of the 1981 Act, by which a naturalised citizen may in heightened circumstances be deprived and made stateless, is subject to the review.

“Duration between Secretary of State’s reviews of deprivation power

(1) Section 40B of the British Nationality Act 1981 (review of power under section 40(4A)) is amended as follows.

(2) In subsection 1(b), omit “three” and insert “one”.

(3) In subsection (2), omit “in the circumstances set out in section 40(4A)”.

(4) In subsection (8), omit ““subsequent three year period” means a period of three years beginning with the first day after the most recent of—

(a) the initial one year period, or

(b) the most recent subsequent three year period.””

Member’s explanatory statement

This amendment would replace the current triennial review of citizenship deprivation resulting in statelessness with an annual review of all deprivations of citizenship on “conducive to the public good” grounds.

30. We support this New Clause. Its importance is accentuated by two matters.

31. Firstly, use of the deprivation power – once a rarely if ever used power – has become relatively common. Between 1973 and 2002, the power was not used at all.²³ In 2017, 148 people were deprived of British citizenship.²⁴

32. Secondly, the Government is not transparent about its use of this power. In the Fact Sheet prepared by the Home Office on Clause 9, it is stated:

“From 2010 to 2018 (the latest figures on record), on average only around 19 people a year were deprived of their citizenship ‘on conducive to the public good’ grounds.”²⁵

It is reasonably clear that the presentation of an average over this period masks the very substantial rise in the use of the power over the period. The figure of 148 people deprived of citizenship in 2017 is not limited to deprivation ‘on conducive to the public good’ grounds. Nonetheless, it plainly includes a very steep rise in the use of the power on those grounds over the period to that year.

33. This lack of transparency is also reflected in the most recent figures that are made public, which give incomplete data. As stated by the Home Office Fact Sheet, they do not include use of the power on ‘conducive to the public good’ grounds. Nonetheless, even with this data excluded, the power has been exercised on grounds of fraud or other deception on 82 and 42 occasions in the years 2019 and 2020 respectively.²⁶

²³ Report of the Independent Reviewer of Terrorism Legislation, April 2016, para. 2.8

²⁴ Appendix to the legal opinion of Raza Husain QC, Jason Pobjoy and Eleanor Mitchell:

<https://drive.google.com/file/d/1t5FQ2MtMb4gWpWWuOra-gzJFYWtwlW6/view>

²⁵ <https://www.gov.uk/government/publications/nationality-and-borders-bill-deprivation-of-citizenship-factsheet/nationality-and-borders-bill-deprivation-of-citizenship-factsheet>

²⁶ Appendix to legal opinion, *op cit*

New Clause: Repeal of power to deprive citizenship except for cases of fraud etc. (Baroness Bennett)

34. The below New Clause tabled by Baroness Bennett would not remove Clause 9. It would, however, very significantly row back the power to deprive a British person of her, his or their citizenship. We support it.

BARONESS BENNETT OF MANOR CASTLE

After Clause 10, Insert the following new Clause—

“Repeal of power to deprive citizenship except for cases of fraud etc.

In section 40 of the British Nationality Act 1981 (deprivation of citizenship) omit—
(a) subsection (2), and
(b) subsection (4).”

Member’s explanatory statement

This would repeal the power of the Secretary of State to deprive British citizenship except in cases where it was obtained by means of fraud, false representation or concealment of material fact.

35. This New Clause would remove the power to deprive citizenship on grounds other than that the person had acquired the citizenship by fraud or other deception. It would end the power to deprive on ‘conducive to the public good’ grounds. This would essentially return the position to the original statutory power introduced on 1 January 1915 but taking into account the rights of registration that have been introduced into British nationality law since then.
36. The basis for deprivation on grounds of fraud or other deception, which this New Clause would not disturb, is fundamentally different to the power to deprive on ‘conducive to the public good’ grounds:
- a. Where a person has secured their naturalisation by fraud, the person has acquired citizenship to which they not only had no right but which they would not have acquired had the fraud been known.
 - b. Where a person has secured their registration by fraud, the person has falsely persuaded the Home Secretary of a right to citizenship that the person did not have.
37. The New Clause ought also to remove the provision relating to deprivation of naturalised citizenship where this makes a person stateless.²⁷ The New Clause does make that provision redundant but it nonetheless ought to be formally deleted.

²⁷ British Nationality Act 1981, section 40(4A)

New Clause: Right to appeal deprivation of citizenship to a Tribunal (Baroness Bennett)

38. The below New Clause tabled by Baroness Bennett would restore a right of appeal to the First-tier Tribunal (FTT) rather than to the Special Immigration Appeals Commission (SIAC) for some people deprived of citizenship. We support it.

BARONESS BENNETT OF MANOR CASTLE

After Clause 10, Insert the following new Clause—

“Right to appeal deprivation of citizenship to a Tribunal

In section 40A(2) of the British Nationality Act 1981 (deprivation of citizenship: appeal) omit paragraph (c).”

Member’s explanatory statement

This would repeal the broad “public interest” discretion which allows the Secretary of State to certify that an appeal against deprivation of citizenship must go to the Special Immigration Appeals Commission instead of a Tribunal.

39. The Home Secretary is currently empowered to prevent an appeal to the FTT. Where she does so, the right of appeal lies to SIAC instead. This is important because SIAC has broad powers to consider information that is not disclosed to the appellant or the appellant’s lawyers.
40. The existing power to prevent an appeal to the FTT may be exercised where the Home Secretary considers that information she has used to decide to deprive the person of citizenship should not be made public. She may do this where she considers that protecting the information is in the interests of national security, the relationship between the UK and another country or in the wider public interest. The New Clause would no longer permit this merely on the basis of the ‘wider public interest’.
41. This is a modest change and one we support. A person who is not permitted to know the information on which a decision has been taken to deprive her, him or them of their citizenship may be prevented from showing that the information is false or misunderstood and that the decision based on the information is fundamentally flawed.

APPENDIX

Summary of the history of the statutory power of deprivation

1. The statutory power to deprive a British citizen²⁸ of citizenship was first introduced on 1 January 1915.²⁹ It applied only to people who had been made citizens by naturalisation.³⁰ It permitted deprivation only where it was shown that they had acquired their naturalisation by fraud or some other deception. Accordingly, the power only applied to people who were not originally British, had been made citizens at the discretion of the Home Secretary and where that discretion would not have been exercised but for the deception.
2. The power was greatly extended in 1918.³¹ It remained only applicable to naturalised citizens. However, there were now various circumstances, specified in legislation, in which it was said that deprivation was conducive to the public good. This was introduced before the First World War had come to an end, and at a time of considerable hostility in both Houses of Parliament and among the public to people who were or were perceived to be of German origin. That hostility famously harmed naturalised British citizens on grounds that were subsequently recognised to be spurious.³² The specified grounds on which it was the 'conducive to the public good' ground could be exercised included that the person had been sentenced to a term of imprisonment of 12 months or longer within 5 years of being naturalised. This was said to indicate that the person had not been of good character at the time of their naturalisation.³³
3. On 1 January 1949, the power to deprive on grounds of fraud or other deception was extended to include acquiring citizenship under the newly created rights of registration by which British people were entitled to register as citizens.³⁴
4. In 1964, a limited restriction on depriving a citizen on public good grounds if this would make the person stateless was first introduced.³⁵
5. It was not, however, until 1 January 1983, that any British citizen (other than a naturalised citizen) could be deprived on grounds relating to the public good.

²⁸ British nationality status has gone by varying names over the years and been subjected to many changes reflecting new ideas as to whom is connected to British territory and who is not. For convenience, we refer throughout to British citizenship, which is the current status of British people connected to the UK.

²⁹ British Nationality and Status of Aliens Act 1914, section 7

³⁰ That is, in short, persons who were not British but who at the discretion of the Home Secretary are permitted to become British citizens.

³¹ British Nationality and Status of Aliens Act 1914, sections 7 and 7A inserted by an Act of 1918 of the same name.

³² e.g. *Hansard* HC, 17 July 1918, vol 108, col 1094 *per* Mr Whyte & col 1097 *per* Sir G Cave; *Hansard* HL, 2 August 1918, vol 31, col 387 *per* Viscount St Davids; and consider the case of the painter of Austro-Hungarian origin, Philip de László, who moved to London in 1907, naturalised, was interned during the War at Brixton Prison, accused in the media and Parliament of being an enemy and later exonerated as having done nothing more than sent letters and money to his family.

³³ *Hansard* HL, 2 August 1918, vol 31, col 386 *per* The Lord Chancellor

³⁴ British Nationality Act 1948, section 20

³⁵ British Nationality (No. 2) Act 1964, section 4

This was a significant extension as it was the first time that a British person who had acquired their citizenship by right could be deprived. This extension only applied to citizens by registration.

6. On 1 April 2003, the power to deprive on public good grounds was extended to all citizens, however, their citizenship had been acquired, including citizens by birth. A right of appeal was first introduced; and the grounds relating to public good were significantly revised.³⁶ The power to deprive on these grounds was, however, not allowed if this would make a person stateless.
7. On 16 June 2006, the power to deprive on public good grounds was made very much broader.³⁷ It remained subject to a prohibition on making a person stateless. However, even this was changed on 28 July 2014 so that, in certain cases, citizens by naturalisation could be deprived even though this would make the person stateless.³⁸
8. In 2018, the Home Secretary made regulations purporting to empower her to make a decision to deprive without informing the person.³⁹ In cases where she was without an address at which to serve notice of her decision, her practice became that she would simply record the decision on the Home Office file and treat that as the person being informed. Those regulations were found to be unlawful by the High Court in July 2021,⁴⁰ following which the Home Secretary introduced what is now Clause 9 into the Bill during Committee stage in the other place.⁴¹
9. There have been many extensions of this power over the decades since 1915. In more recent decades, the impact of these extensions of power has been its greatly increased use.⁴²

³⁶ Nationality, Immigration and Asylum Act 2002, section 4

³⁷ Immigration, Asylum and Nationality Act 2006, section 56

³⁸ Immigration Act 2014, section 66

³⁹ British Nationality (General) (Amendment) Regulations 2018, SI 2018/851, regulation 3

⁴⁰ *R (D4) v Secretary of State for the Home Department* [2021] EWHC 2179 (Admin)

⁴¹ It appeared on the order paper on 18 October 2021 and was added to the Bill at Committee stage: *Hansard* HC, Public Bill Committee, Fourteenth Sitting, 2 November 2021 : Col 583ff

⁴² See legal opinion, *op cit*