



HOUSE OF COMMONS
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Cllrs Sajid Patel & Shamsuz Zaman (Litu)
Gloucester City Council
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Our Ref: LB

21st December 2021

Dear Sajid + Litu,

Clause 9 of the Nationality & Immigration Bill

Thank you both for your letter on Clause 9 about notification of loss of nationality.

I'm also copying this to Cllrs Jaro Kubaszczyk and Raymond Padilla, who both also represent important communities of overseas heritage, although of the four of you only Jaro has dual nationality status (Polish).

We all discussed your queries recently and I hope this summary of the key questions your and my constituents have asked is useful:

Q: What does Clause 9 actually do?

A: Clause 9 gives the Home Secretary one (and only one) new legal power: the ability to remove a dual nationality of their British nationality without physically serving notice on them in the usual way, IF there are exceptional circumstances

Q: This sounds like a new and very authoritarian power: who decided that the government has the power to remove dual nationals' UK status, and when?

A: This power was voted for by Parliament over a hundred years ago. It was first used against dual national spies working for our enemies in World War I, and the measure can only be used against those proven to be working for enemies of the UK: whether states (eg Russia) or terrorist groups (eg IRA / ISIS).

Q: Is this something only the UK government can do?

A: Lots of states that recognise dual nationality have this power (eg US, Australia, Germany, Italy, France, Netherlands, Turkey, Indonesia etc). So there is nothing either new or unusual about this power.

Q: Is there any right of appeal?

A: Yes an appeal can be made to a tribunal presided over by a judge.

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Q: If that's the case what difference is there exactly in Clause 9 and why does the government need it?

A: Under existing rules, a notice has to be (physically) served on anyone who will lose their UK nationality from their dual nationality. But in exceptional circumstances – for example if someone is fighting on the front line (like Jihadi John, beheading a British aid worker) or hiding somewhere (like Anna Chapman the Russian Spy) and can't be reached, then the Home Secretary has the power to announce it, without serving notice directly. That is the only difference, the only new element.

Q: In practice how often have dual nationals lost their UK nationality?

A: 280 people lost their dual nationality between 2012-2020 (all for obtaining citizenship fraudulently) and 148 between 2014-2018 for security reasons ('conducive to the public good').

Q: What sort of crimes had those committed who were not found guilty of fraud?

A: National security, terrorism and serious offences such as sexual abuse (e.g Rochdale grooming gang).

Q: Are there British citizens who potentially get deported to a country they've never lived in?

A: Only if they have or are entitled to dual nationality but haven't lived in that country before. No British citizen without any entitlement to another nationality can be made stateless. They/we can be refused passports and of course serve life sentences for eg murder, but can't be deported elsewhere without entitlement to another nationality.

Q: Accusations have been made that this is aimed at ethnic minorities and is racist: is that true?

A: Obviously not: that would be illegal and anyone could sue the government for any law that was racist. Existing laws and Clause 9 are directed purely against anyone trying to help hostile action against our country – regardless of their ethnicity, gender, age or other dual nationality. I've given examples of Russian, German, Irish and Pakistani dual nationals affected, most of whom are not from ethnic minority communities.

In my view it is racist to suggest the only people working for the enemies of the UK are from 'ethnic minorities'. It's worth noting too that the only dual national Gloucester City Councillor of different heritage is a (white) UK/Polish Councillor.

Q: So what is all the fuss about?

A: I'm afraid any change of the law will be interpreted for perceived party political advantage. Opposition parties are looking to frighten members of ethnic minority community groups into believing that they will lose their UK nationality for eg stealing a Mars bar. No crime is a good idea, but Clause 9 and the existing legislation on dual nationals is about 'terrorism and national security' – and that has to be proven before a Tribunal and Judge.

Summary

The powers on dual nationals have existed for over 100 years for reasons of terrorism and national security only and have not changed. Clause 9 enables a decision to suspend the UK

national of their UK dual nationality without serving notice on them physically if they were living abroad in war zones or otherwise unable to reach them.

I do not believe that these facts should cause anyone in your communities any real concern, but am happy to do a public meeting to reassure any questioners. Do let them know if this would be useful.

Best regards

Richard -

PS. And Happy Christmas to everyone!