



From the Chair of the Joint Committee on Human Rights

Dan Jarvis MBE MP

[Delivered by Email]

Security Minister

10 July 2025

Dear Security Minister,

Thank you for your letter dated 19 June regarding the Deprivation of Citizenship Orders (Effect during Appeal) Bill. The Committee understands the Government's legitimate intentions behind the Bill, but has questions as to whether the Government's objective could be achieved in a more proportionate way.

Clause 1 provides that a deprivation of citizenship order continues to have effect throughout the appeal process. Therefore, even if a person subject to a deprivation order wins on appeal at the First-Tier Tribunal or the Special Immigration Appeals Commission, the successful appeal would have no effect until all appeal routes had been exhausted. This would mean that an individual would remain deprived of their British citizenship throughout the appeal period, despite the court's findings that the deprivation order was unlawful. Clause 1(2) would make this change retroactive. The Bill, once enacted, would therefore apply to individuals whose appeals are ongoing at the time of the Bill's enactment.

We acknowledge that the Government's aim is to "protect the UK from people including those who pose a threat to national security by preventing those who have been deprived of British citizenship and are overseas from returning until all appeals are determined."¹ We also acknowledge the legitimate concern that a person subject to a deprivation order may seek to renounce their nationality and put themselves in a position whereby a deprivation order would render them stateless.²

In *N3*, the Supreme Court considered the effects under existing legislation of a deprivation order which was subject to a successful appeal on the grounds of statelessness. The court held that when the First-tier Tribunal or Special Immigration Appeals Commission allows an appeal, a person regains their British citizenship immediately and retroactively. This means that, where a deprivation order is found on appeal to have unlawfully rendered a person stateless (for example), the order is to be treated as having had no effect for the period between its making and the appeal being allowed. The individual is therefore regarded as having been a British citizen throughout that period. The Court sought to strike the right balance between the claimants' rights and the interests of the state, by given effect to the

¹ Letter from the Security Minister, Dan Jarvis MP, to Lord Alton, 19 June 2025

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relevant statutory provisions in accordance with the principle of legality and the presumption of compliance with the Statelessness Convention.³ The Bill seeks to change the position in law. We understand that the intention behind the Bill is to protect the security of persons in the UK by addressing the threats posed by those considered to be a danger to our national security.

The Bill engages the right to private and family life (Article 8 ECHR), the right to an effective remedy (Article 13 ECHR), and rights under the Statelessness Convention. Appeal processes can last for several years. Given the severity of the consequences for individuals during that time, as well as members of their families who may not themselves pose a threat to national security, the Committee would like to consider whether there may alternative, more proportionate, means of achieving the same aim which protects our national security while avoiding a blanket deprivation of citizenship until the end of the appeals process in all cases. We would be grateful for a response to the following questions:

1. At present, the Bill is drafted to cover all appeals against deprivation of citizenship orders. If the Government's aim is to prevent persons overseas from returning to the UK following a successful appeal, has the Government considered whether the scope of the Bill could be limited to cases concerning persons outside the jurisdiction of the UK?
2. If the Government's aim is to protect against the return of persons who pose a threat to the national security of the UK, has the Government considered whether the scope of the Bill could be limited to national security cases only (i.e. excluding cases concerning fraud or serious crime where there is no national security concern)?
3. As an alternative to a blanket suspension, has the Government considered whether the Special Immigration Appeals Commission could be given powers to suspend the effect of a successful appeal on a case-by-case basis where this is necessary on the grounds of national security?
4. Whilst we recognise the complexity of deprivation order proceedings (particularly where closed material forms part of the evidence), has the Government considered whether the suspension of the effect of appeals could be accompanied by an expedited appeals route to ensure that unlawful deprivation orders do not continue to have effect for prolonged periods of time?

We draw your attention to the Committee's report on 'Accountability for Daesh Crimes' published 13 May 2025. The Committee concluded that "the UK uses deprivation of citizenship orders more than almost any country in the world. At the same time that it is important for the Government to be able to take steps such as citizenship stripping in the interests of public safety, there is a serious lack of transparency and oversight when it comes to the use of this power."⁴ The Committee recommended that "the Government must provide greater transparency as to the use of deprivation of citizenship powers, including by providing regularly updated data to the public. The Chief Inspector of Borders and Immigration, or the Independent Reviewer of Terrorism Legislation if his remit is expanded, should

³ N3(ZA) v SSHD [2025] UKSC 6, para 89

⁴ JCHR, 'Accountability for Daesh Crimes', Second Report of Session 2024-25, para 76



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periodically review the use of deprivation of citizenship powers, including for national security reasons, and report to Parliament about his findings.”⁵ We look forward to the Government’s response to our report.

We would be grateful for a response to our letter before the Bill begins its House of Lords stages.

Lord Alton of Liverpool

Chair, Joint Committee on Human Rights

⁵ JCHR, ‘Accountability for Daesh Crimes’, Second Report of Session 2024-25, para 77