

IMMIGRATION ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6: Miscellaneous

Section 66: Deprivation of citizenship: conduct seriously prejudicial to the interests of the UK

401. At present, the Secretary of State can deprive a person of their citizenship under section 40 of the 1981 Act. This can be done where either the individual has acquired it using fraud, false representation or concealment of a material fact (section 40(3)); or where the Secretary of State is satisfied that doing so is ‘conducive to the public good’ (section 40(2)) and the person would not be left stateless as a result (section 40(4)).
402. *Subsection (1)* amends section 40 and inserts new subsection (4A) to create a sub-category of cases which enables the Secretary of State to deprive, by order, a person of their British citizenship status - regardless of whether or not it will render them stateless - where the individual has (i) acquired citizenship as a result of naturalisation and (ii) conducted themselves in a manner seriously prejudicial to the vital interests of the UK (and so for this reason it is conducive to the public good to deprive that person). The order requires the Secretary of State to have reasonable grounds to believe that the person is able, under the law of a country or territory outside the UK, to become a national of such a country or territory.
403. *Subsection (2)* provides that the Secretary of State may take into account the manner in which a person conducted him or herself before this section came into force when deciding to make an order under subsection (2) of section 40 of the 1981 Act.
404. *Subsection (3)* inserts section 40B into the 1981 Act to require the Secretary of State to arrange a review of the use of the power in section 40(4A) after an initial one year period and each subsequent three year period. The Secretary of State must lay the report of the outcome of the review before each House of Parliament.
405. The purpose of this provision is to qualify the existing provisions on deprivation so that in the most serious cases - such as those involving national security, terrorism, espionage or taking up arms against British or allied forces – individuals can still be deprived of their citizenship, where this has been acquired by means of naturalisation, without regard to whether or not it will render them stateless, provided that the Home Secretary has reasonable grounds to believe they are able to become a national of another country or territory.
406. This provision *(1)* is intended to be more closely aligned with the 1961 UN Convention on the Reduction of Statelessness, which allowed states to declare on ratifying the Convention that they retain the right to deprive a person and render them stateless in specific circumstances. The UK ratified the Convention on 29 March 1966 and explicitly retained the right to deprive where the person either “ i) has, in regard of an express prohibition of Her Britannic Majesty, rendered or continued to render

*These notes refer to the Immigration Act 2014 (c.22)
which received Royal Assent on 14 May 2014*

services to, or received or continued to receive emoluments from, another State, or ii) has conducted himself in a manner seriously prejudicial to the vital interests of Her Britannic Majesty.”