How has the United Kingdom's acceptance of Statelessness Disregarded Human Dignity?

Jack Page [1]

Newcastle University, UK

Abstract

In this article, I argue that the United Kingdom has accepted statelessness, therefore disregarding the concept of human dignity. This essay will analyse firstly, what the value of citizenship is under Arendt's theory of political community in order to understand how its revocation enforced by being stateless rips away a person's inalienable, innate human dignity. Following this, the decline in protection against statelessness will be analysed, from the redefinition of citizenship that took place within the 1960's to further decline of protection after the September 11th attacks, ending with a desperate, undignified and cruel last grasp attempt to protect the United Kingdom's national security resulting in the Immigration Act 2014 which leaves us at present day. Upon understanding the current protections, or lack there off, regarding statelessness, a case study is conducted on the Begum line of cases. This consists of a convoluted back and forth in the legal system, disregarding precedent, to ultimately make Begum, stateless. Finally, the last chapter brings the conversation of human dignity and the right to have rights to issues uncovered throughout this article, notably with Begum, who's once inalienable dignity and rights, no longer exist in a brutal, dystopian attempt to claw back national security that has damaged so many.

Key Words: *Statelessness; Human Dignity; Immigration Act 2014; Citizenship*

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Introduction

This dissertation explores how the United Kingdom's (UK) acceptance of statelessness has disregarded human dignity. Statelessness occurs when an individual does not have a legal connection to a state as established in the Convention on the Reduction of Statelessness 1961 (CRS).[1] In effect stateless persons are legally irrelevant, a citizen of nowhere, forced to live in an uncertain position.

This dissertation evaluates the UK's acceptance of statelessness through citizenship deprivation orders under the British Nationality Act (BNA) 1981.[2] Whilst deprivation orders have been used for varying offences, they have mostly been used as a counter-terrorism tool to circumvent the ordinary criminal justice system. Rending somebody stateless using a deprivation order is contrasted throughout this dissertation with human dignity, reading into why the value prevents the individual from being subjected to the status of stateless.

Chapter one of this dissertation opens with an evaluation of the main concepts of this dissertation, statelessness and human dignity. Opening with statelessness, it will establish how a stateless person is removed from Arendt's understanding of political community and the practical implications. Membership of a political community provides the individual with the right to have rights, outlining the peril that a stateless person will find themselves in, no longer will they be able to enforce any rights and the UK is knowingly accepting this through their acceptance of statelessness.

The evaluation of human dignity adds value to this argument, it is not good enough to say having rights is paramount without moral reasoning. Human dignity provides this, following the idea that everybody has intrinsic value by their mere existence.[3] The chapter links both concepts together with an understanding of how citizenship, and thus political community

[1] United Nations Convention on the Reduction of Statelessness 1961

[2] British Nationality Act 1981

[3] Oliver Sensen, 'Human Dignity in historical perspective: The contemporary and traditional paradigms' [2011] 10(1) European Journal of Political Theory 71-92, 72

is the enforcement mechanism of human dignity. The resulting impact of its disregard is that stateless persons will not achieve their dignity, this is a moral failure. Therefore, the reader will leave this chapter understanding the importance of everyone being afforded citizenship.

Having established the importance of preventing creating stateless persons, chapter two sets out the historical diminishment of safeguards that led the UK to its current position, which is the full acceptance of statelessness. Beginning with the early attitudes of the 1960s it is shown how citizenship has been used as a political tool for decades, used to remove those deemed in any way as a threat to the UK. This approach foreshadows later measures that are taken, not just to redefine citizenship, but to strip certain people of it due to posing a threat to national security. Following the turn of the September 11th attacks, the world entered a new period of terrorism, the UK had become desperately concerned with its national security, and this became evident in its approach to citizenship deprivation. In both *Hicks* and *Al-Jedda*, the government attempted to revoke the citizenship status of them, deemed to be a threat to national security. Both times the government were defeated, and both times they passed legislation immediately after to ensure the courts could no longer block them. The chapter makes it evidently clear, that national security concerns have taken precedent over the prevention of statelessness, with the eventual acceptance coming in the form of the Immigration Act 2014 (IA).[4]

Having established the UK's main concern, national security, chapter three conducts a case study into the *Begum* line of cases. This chapter will establish how the growing concern of national security has become prevalent in a major deprivation case. This case study follows the IA 2014, and the powers it grants the Secretary of State to effectively render someone stateless. Chapter three walks the reader through a convoluted back and forth between the courts, it evidences that the Court of Appeal have attempted to promote fairness within their first *Begum* judgment, attempting to limit the discretion of the Secretary of State.[5]

[4] Immigration Act 2014

[5] Begum v Special Immigration Appeals Commission [2020] EWCA Civ 918

Ultimately, this did not last long, with the Supreme Court finding that the Secretary of State was entitled to considerable discretion surrounding deprivation decisions. The decision comes as no surprise, it follows chapter two's long line of expansion of powers. Not only does this chapter discuss the dangerous executive discretion provided, but the outright negligent decision by the Special Immigration Appeal Commission (SIAC).[6] The SIAC was tasked with establishing whether Begum was truly stateless, despite vast case law stemming from the legacy of *Pham* the SIAC chose to side with the executive, therefore, the position of statelessness in the UK is concluded as being accepted completely, irrespective of the position that it leaves the individual in.[7]

The final chapter of this dissertation evaluates the violation of human dignity following the previous chapters evidence of the UK accepting statelessness. This chapter acts as the primary link between the concepts evaluated in chapter one, including how actions by the UK in the key judgements have acted as the move away from the right to have rights, spending significant time linking between *Begum* and *Al-Jedda.* Having established that the UK has moved away from the conception of political community in the counter-terrorism context, attention is moved to the violation of human dignity, the conception explored in chapter one that everyone is entitled to dignity is evaluated in the context of *Begum* and *Al-Jedda*, establishing there has been a moral obligation disregarded to the both of them, whilst considering whether it is possible for someone to lose their dignity. The final portion of this chapter evaluates whether we can justify the violation of someone's dignity by utilising an analogy with prisons, suggestions are raised surrounding the many dignity violations that occur within the prison system. It ultimately concludes just because violations occur, this does not mean that the system justifies them. All human dignity violations must be considered equal and treated individually.

[6] Begum v Secretary of State for the Home Department SC/163/2019, 22 February 2023

[7] Pham v Secretary of State for the Home Department [2015] UKSC 19

Chapter One: The importance of key concepts: Human Dignity and Statelessness

This chapter will introduce the concepts of statelessness and human dignity to contextualise why they are essential in this dissertation. Both concepts are fundamental to my dissertation as understanding what it means to be stateless and the impact it has on the individual allows us to understand why the status is problematic. Human dignity is often understood as the basis for our rights and therefore is a fundamental concept explored throughout this dissertation. Whilst these concepts don't seem to overlap immediately, an exploration into human dignity allows us to understand why the rights that not being stateless provides are vital to be protected.

The stateless section of this chapter will approach why statelessness is a problem by evaluating citizenship theory, notably, the right to be involved within a political community, and the right to have rights that stem from involvement in a political community.

The human dignity element of this chapter will establish that human dignity stems from one's self-worth. It is the individual that is the grounds for protection of their rights, rather than society at large. This section will also therefore link to the subsection on statelessness to combine the two concepts, by understanding how citizenship acts as the enforcement tool for human dignity.

Statelessness

Statelessness has existed for a long period of time; it was following the First World War that governments became aware of the impact of statelessness as millions of people were displaced. However, it was not until after the Second World War there were legal developments to tackle statelessness.[8] The first convention regarding statelessness was the Convention Relating to the Status of Stateless Persons 1954 (CRSSP).[9] Whilst this convention recognised statelessness as an issue, its main goal was combining the issue with refugee law, a logical decision given the number of people displaced following the Second World War.

Developments surrounding the laws on preventing statelessness continued following growing international acceptance that nationality should be a basic right, thus needing to be separate from refugee laws to give it the attention it deserved.[10] The result of such developments was the CRS 1961, which defines statelessness as a person who is not considered a national by any state under the operation of its law.[11] The aim of this convention was to prevent people from being stateless by imposing certain safeguards, which take the form of state nationality laws. Within the United Kingdom, this takes the form of the BNA 1981 which prior to the diminishment of safeguards prevented British citizens from being made stateless.[12] Having established the legal basis for statelessness and its definition, this subsection will evaluate why being stateless is dangerous.

Ensuring someone is not stateless is vital. The threat of such status stems from the value that citizenship has to the individual. The possession of citizenship has the power to ensure that its holders have the right to partake in public life and be a member of the state allowing

[8] Michelle Foster and Hélène Lambert, 'International Refugee Law and the Protection of Stateless Persons' (1st edn Oxford University Press 2019), 92

[9] United Nations Convention Relating to the Status of Stateless Persons 1954

[10] Melaine Khanna and Marcella Rouweler, 'Taking stock of the relevance and impact of the 1961 Convention on the Reduction of Statelessness.' [2022] 4(1) Statelessness & Citizenship review 194-197, 195

[11] United Nations Convention on the Reduction of Statelessness 1961

[12] British Nationality Act 1981

for the individuals basic needs to be protected by the government and in an ideal democracy, letting their voice be heard to impact change.[13]

Arendt builds on the value of citizenship by introducing the concept of political community. For her, those holding citizenship become a part of a political community and those who are stateless do not have such a privilege. Inclusion within a political community is paramount because it provides individuals with their right to have rights, whereas those who remain stateless are not afforded the ability to have enforceable rights.[14] Arendt describes those not within the political community as being seen as 'scum of the earth' having not been granted inclusion for a particular reason, in turn encouraging the rest of the world to hold them in the same light with nobody to uphold their most basic rights.[15]

The conception of a political community holds immense weight. Ultimately, citizenship is entirely an arbitrary concept, handed to those who are deemed to be worthy of its possession by a nation and thus seen as being worthy of state protection of their rights. Therefore, its value can not be underappreciated. This claim is undoubtable given the UK has developed its law in a way that enables exclusion from their political community through citizenship deprivation powers where the UK no longer claims them. These claims are shown within chapter two, as well as chapter three discussing the *Begum* case.[16]

The idea that political community affords individuals the right to have rights, in a way that being stateless does not can be evidenced historically. Mathis established those who are stateless are subject to the deprivation of their liberties and privileges including health care, work as well as the ability to own property.[17] During the Second World War, this became

[13] Andrew Schapp, 'Enacting the right to have rights: Jacques Ranciere's critique of Hannah Arendt' [2011] 10(1) European Journal of Political Theory 22-45, 24

[14] Hannah Arendt, 'The origins of totalitarianism' (3rd edn Allen & Unwin 1966), 350

[15] Hannah Arendt, 'The origins of totalitarianism' (3rd edn Allen & Unwin 1966), 351

[16] Begum v Secretary of State for the Home Department [2021] UKSC 7

[17] Stephen Mathis, 'The Statist Approach to the Philosophy of Immigration and the Problem of Statelessness' [2018] 11(1) Global Justice 1-22, 2

apparent. People were ripped from their political community and displaced, creating immense numbers of stateless persons living outside of an existing legal structure.[18] Therefore, they no longer had anyone to enforce their rights and to rely on.[19] Notably, stateless Germans were given permission to take residence in France whilst being legally stateless, however amongst growing concern that the German population presented a threat in the build-up to the Second World War they were forced to prove an almost impossible unequivocal attachment to France otherwise faced the risk of the liquidation of their assets.[20] This revocation of German assets demonstrated clearly, that stateless persons had no protection, they had no option of going to the courts to appeal the decisions as ultimately, they had no legal basis to own land within France, and any appeared rights were merely a charitable act that held no real weight regarding enforcement. They had lost their right to have rights.

The Arendtian conception of a political community and its ability to allow a member to have the right to rights is not universally accepted. For Balibar, the idea that political community allows the enforcement of rights is an extreme concept of institutionalism with the praxis.[21] This position is clearly flawed. Balibar fails to recognise historical examples of stateless individuals not being provided with the right to have any rights. Whilst the position would be correct in an idealistic society, that stateless people not belonging to a political community do have the same enforceable rights as those in a political community this is not the case. If it was, the examples of the wartime era in France relating to stateless German nationals' property rights would never have occurred.

[18] Andrew Shaap, 'Enacting the right to have rights: Jacques Ranciere's critique of Hannah Arendt' [2011] 10(1) European Journal of Political Theory 22-45, 35

[19] Hannah Arendt, 'The origins of totalitarianism' (3rd edn, Allen & Unwin 1966), 349

[20] Christiano Lumia, 'The ambiguities of Being Stateless: Property Right, Statelessness and Enemy Aliens in the United Kingdom, France, Belgium and Germany, 1914-1930' [2022] 40(2) German History 538-567, 540

[21] Etienne Balibar, '(De)Constructing the Human as Human Institution: A reflection on the Coherence of Hannah Arendt's Practical Philosophy' [2007] 74(3) Social Research 727-738, 734

Further to this example, we can look at the huge injustice relating to statelessness within Estonia. Whilst this does not directly link to the UK's method of creating statelessness, it demonstrates the devastating practical problems of being stateless and the impact on individuals that the UK knowingly accepts when making them stateless as explored in the following chapter. Following the breakup of the Soviet Union, Estonia became an independent state. However, radical political transformations were met with increased migration as they entered a new era in which prospects seemed higher.[22] Estonia found itself in a position where they were able to provide whoever they wanted citizenship. However, a radically discriminative approach led to only ethnic Estonians being granted citizenship. The effect of such was that 32% of the population became stateless overnight.[23] Those made stateless still feel the impacts of their deprivation from a political community, contrary to Balibar and fitting with Arendt, they no longer have anyone to rely on to enforce any rights they have. Legal protection has not been afforded to them as they remain outside a political community, and thus stateless peoples in Estonia are regularly exploited, with no prospect of employment shaping their lives for the worse.[24]

[22] Agnieszka Kubal, 'Can statelessness be legally productive? The struggle for the rights of noncitizens in Russia' [2020] 24(2) Citizenship Studies 193-208, 195

[23] Deivi Norberg, 'Estonia's Return to Europe: The relationship between neoliberalism, statelessness and Westward integration in post-independence Estonia' [2024] 108(1) Political Geography 1-11, 5

[24] Deivi Norberg, 'Estonia's Return to Europe: The relationship between neoliberalism, statelessness and Westward integration in post-independence Estonia' [2024] 108(1) Political Geography 1-11, 5

Human Dignity

The relationship between human dignity and statelessness is paramount to this dissertation. It is human dignity that founds the concept that humans should have rights. As established, it is the avoidance of being stateless by belonging to a political community that allows for the enforcement of rights, therefore the relationship between human dignity and statelessness is paramount.

Human dignity has no clear definition, what enables somebody to possess dignity and whether it can be stripped from them is a contentious debate. However, the position of this dissertation builds itself around the idea established by Sensen that human dignity is the inherent value of human beings. It is not earned, nor can it be taken.[25] Examples of this theory of human dignity are evident in the United States of America's constitutional law. Within the case of *Planned Parenthood,* it was held constitutional dignity was given to everyone; irrespective of any choices regarding abortion.[26] It can clearly be shown here that in practicality, dignity is based on the inherent value of human beings, without limitations. Further to this argument, the *German Aviation Security* case was tasked with establishing whether the use of force against a hijacked plane would be legal, given it would save the lives of many people.[27] The constitutional court held that the risk it would pose to those on board would be unlawful, based on the fact those on board would be 'denied the value of human dignity'. Evidently, at various constitutional courts it has been held everyone has human dignity. The value is absolute, and nobody's dignity is worth any less than anyone else's regardless of the motivation for its destruction.

Kumar highlights the importance of human dignity, based on the Sensenion perspective that it is morality and inner worth that requires absolute protection in the form of

[25] Oliver Sensen 'Human dignity in historical perspective: The contemporary and traditional paradigms' [2011] 10(1) European Journal of Political Theory 71-93, 72

[26] Planned Parenthood v Casey 505 U.S 833, 851 (1992)

[27] German Aviation Security Act Case 1 BvR 357/05 (2006)

enforceable rights.[28] Kumar develops this a step further, arguing that human dignity becomes the building blocks for the successful operation of society. The fabric of an operable society is ultimately only possible by the existence of individual and inalienable human dignity giving rise to enforceable rights, it allows humans to work together whilst being our own person to meet a collective end to the means.[29]

The understanding that human dignity exists from a person's very existence and not from any method of earning such a status allows us to take the understanding of dignity and apply it in the context of statelessness. As established, one is stateless when they do not possess citizenship in a nation, expelled to a life without political community. Hefomannová understands the inalienable value of dignity to merely be the beginning of the means, for her human dignity must extend to social rights and humanistic ideals.[30] This extension is one of practicality, there is no point in dignity if there is nothing that stems from the conception, thus it requires a method of enforcement. Given political community is what allows individuals the right to have rights and enforce them, there is clearly a link between human dignity and political community. Where the individual is stateless, they do not have access to the enforcement mechanism to protect their dignity.

Hefomannová's language surrounding 'social rights and humanistic ideals' can be considered too light on its demands for the state.[31] Whilst it has been interpreted as calling for a method of enforcement, analogues with the prevention of statelessness, Parekh takes this a step further. For Parekh, the understanding of human dignity imposes a moral obligation on the state, rather than 'ideals'.[32] The moral obligation to protect human dignity can be directly applied to the prevention of statelessness, as there is an undeniable link

[28] Apaar Kumar, 'Kant on the Ground of Human Dignity' [2021] 26(3) Kantian Review 435-453, 439

[29] Apaar Kumar, 'Kant on the Ground of Human Dignity' [2021] 26(3) Kantian Review 435-453, 441

[30] Helena Hofmannová, 'Comments on the approach to human dignity in case law' [2022] 8(3) Law Quarterly 284–294, 291

[31] Helena Hofmannová, 'Comments on the approach to human dignity in case law' [2022] 8(3) Law Quarterly 284–294, 291

[32] Serena Parekh, 'Give refugees dignity, wherever they are' [2022] 604(7904) Nature (London) 9-9, 9

between the violation of human dignity and statelessness. Therefore, the state should never be able to create stateless persons, as it violates the intrinsic dignity they possess that they should be able to have rights, as without membership in a political community they are unable to enforce them.

Evidently, there is a large overlap between Hefomannová's and Parekh's ideas of morality surrounding the state and the more legal arguments that surround the practicality of enforcing rights, mainly in the discourse of political community. It is this moral-legal crossover that fuels the argument further that states do have an obligation to the individual. This obligation being the moral protection of human dignity through the legal tool that is the right to have rights.[33] Failure to provide political community to people thus results in statelessness, violating human dignity. An act unacceptable given the moral obligation on the state.

Alternative suggestions to human dignity have been raised, countering the idea it is the individual's mere existence that creates their own dignity which may change the relationship established between human dignity and statelessness. Pullman leads this diversion from the status quo, for him the individual is viewed too often as a microcosm.[34] His understanding of human dignity extends to humanity being the ultimate creator of human dignity, as the individual is so infinitesimally small in the grand scheme of humanity.[35] The idea that human dignity could stem from humanity shifts the focus therefore to humanity deciding who has dignity, and who does not have dignity.

This conception is worrying in the context of statelessness, as established. It has already been concluded that statelessness undoubtedly goes against the individual's dignity, where

[33] Antina Von Schintzler, 'Performing dignity: Human rights, citizenship, and the techno-politics of lawin South Africa' [2014] 41(2) American ethnologist 336-350, 345

[34] Daryl Pullman, 'Universalism, Particularism and the Ethics of Dignity' [2001] Christian Bioethics 7(3) 333-358, 337

[35] Daryl Pullman, 'Universalism, Particularism and the Ethics of Dignity' [2001] Christian Bioethics 7(3) 333-358, 338

everyone has dignity. However, should we accept the ideology that humanity can choose who receives dignity it gives rise to a vast array of discrimination. Nazi Germany was often justified by those in support of the regime as being acceptable due to the 'ideal race'. These people were afforded dignity, whereas everyone else would be considered subhuman.[36] Therefore, it is incredibly inappropriate to suggest that this theory would take precedent over the established conception in this dissertation. Human dignity stems from the individual, any suggestion it could be ascribed to individuals gives rise to discriminatory behaviour.

In conclusion, Arendt's conception of citizenship meaning that everybody has access to the right to have rights is fundamental to this dissertation within the context of human dignity. Given that everybody is entitled to human dignity merely by being human, it follows that we require a method of enforcement for such an abstract value. Sensibly, this comes in the form of enforceable rights, which only citizenship allows for. Therefore, these themes in combination establish why the prevention of statelessness is of paramount importance. Any acceptance of statelessness equates directly to the denial of one's human dignity.

[36] Doron Shulztiner, 'Human Dignity in National Constitutions: Functions, Promises and Dangers' [2014] 62(2) The American Journal of Comparative Law 461-490, 480

Chapter Two: The decline of protection against statelessness in legislation

This chapter sets out the change in attitude from the 1960s to present day regarding the acceptance of statelessness. Beginning with a shift in attitude towards what it means to be a British citizen following the fall of the British empire. The following legislative changes are evaluated in the context of national security, which the UK has deemed at risk following the September 11th attacks. Eventually concluding the UK is so scared of the terrorist threat they will take extreme measures, even if they violate the individual's dignity by making individuals stateless.

Redefining citizenship: 1962-1981

The UK has demonstrated its attitude to the eventual acceptance of statelessness throughout the 20th century following the collapse of the British Empire through its restrictions on who possesses residency rights in the UK. The first time this was demonstrated was the enactment of the Commonwealth Immigration Act 1962 (CIA)[37]. This legislation had one main goal, the restriction of members of the British Empire from residing within the UK.[38] The act began the process of redefining British citizenship and the villainisation of those deemed not worthy to be granted the right to live in the UK.

Jones understands the CIA 1962 as reflecting the fear of race that was growing within the UK during this time period.[39] During this time there grew divisions between the white workers and the non-white workers out of fear of an increasingly oversaturated job market following increased immigration.[40] This was enforced at a Conservative Party conference,

[37] Commonwealth Immigration Act 1962

[38] The National Archives HO 344/197, Working Party… Report to Ministerial Committee 1961

[39] Claudia Jones, 'Butler's colour-bar bill mocks Commonwealth' [2016] 58(1) Race & Class 118-121, 120

[40] Roberta Bivins, 'Contagious Communities: Medicine, Migration, and the NHS in Post War Britain Roberta Bivins' (1st edn Oxford University Press 2015), 117

in which it was discussed the motivations of the CIA would be to 'cut coloured immigration, mainly Indians, West Indians and Pakistanis'.[41] Evidently, following the winding down of the British Empire, a redefinition process began to take place, no longer was there a sense of community, Britain had begun deciding who they claimed, and who they did not.

The British Empire's community mindset was further evidenced as diminishing when Osborne likened immigration from Commonwealth nations to a 'Cancer' on the British public, he feared that the UK would be seen as a 'honey pot' to those within the Commonwealth.[42] Evidently, this began the UK's acceptance towards statelessness through redefining what it means to be British, the villianisation of non-white immigrants and likening them to a cancer on the state demonstrated a real security concern by the UK that was deemed to have gone too far. This theme of security concerns has continued throughout history and has risen to the forefront of debate following the September 11th attacks.

Whilst these individuals were not rendered stateless, we can still liken this to Arendt's conception of political community. In many ways, those In the Commonwealth belonged to a larger political community, which once allowed free movement as part of their 'right to have rights'. The redefinition phase of British citizenship however successfully began to limit this community slowly, with reduced rights following the racist agenda against the 'difficult to deal with coloured migration'.[43] This position is only strengthened by Macmillan's speech during his tenure as prime minister where he stated, 'The obligation of the mother has gone. Let's face it—the old concept has gone'.[44] This a clear example of how the UK wished to alter its political community, the obligation from the UK no longer extended to the colonies, they became distant and removed from political community.

[41] Claudia Jones, 'Butler's colour-bar bill mocks Commonwealth' [2016] 58(1) Race & Class 118-121, 120

[42] Roberta Bivins, 'Contagious Communities: Medicine, Migration, and the NHS in Post War Britain Roberta Bivins' (1st edn Oxford University Press 2015), 116

[43] HC Deb February 1961 vol 634

[44] Roberta Bivins, 'Contagious Communities: Medicine, Migration, and the NHS in Post War Britain Roberta Bivins' (1st edn Oxford University Press 2015), 116

The redefinition of what it meant to be a British citizen was further developed following the enactment of the BNA 1981.[45] This act was the first piece of legislation since the Second World War which changed the law on citizenship. Fundamental to this dissertation, it included Section 40 allowing the Secretary of State to revoke someone's citizenship where their citizenship is not conducive to the public good.[46] However, it is worth noting, that this act did contain safeguards that this would not apply where it would render the individual stateless.[47] The introduction of a deprivation provision is significant. It furthers earlier actions during the 1960s to reduce the political community of the UK, removing its colonial citizens colonies.

The BNA 1981 in effect revoked the Citizen of the UK & Colonies status. Citizenship was ultimately simplified to the introduction of just British citizenship, rather than offshoots for members of the Commonwealth. The new requirements needed to gain British citizenship were harsh and defined negatively rather than positively.[48] Under the new legislation, it became near impossible for former colony members to gain British citizenship as they needed to demonstrate a blood right of either a parent or grandparent. Therefore, as few colony members would ever be able to meet this requirement, it became evident that the UK continued its era of 'restoring' and 'redefining' British citizenship. William Whitelaw, the Home Secretary at the time of this legislation spoke out about its importance in redefining British citizenship where he stated it was 'time to dispose of the lingering notion that Britain is somehow a safe haven for all those countries we used to rule'.[49] This can be read in line with the motivations of the CIA 1962, fear of immigration is rampant, fuelled by economic concerns, as well as racial prejudice.

[45] British Nationality Act 1981

[46] Section 40 British Nationality Act 1981

[47] Section 40(5)(b) British Nationality Act 1981

[48] Andrew Schaap, 'The after rights of the Citizen of the UK and its Colonies: who is the subject of the rights of the citizen in Britain's hostile environment?' [2024] 1(1) The International Journal of Human Rights 1-22, 7

[49] HC Deb Wednesday 28 January 1981 vol 997 col 1010

The development in terrorism: 'The rules of the game are changing'

The UK has further developed their acceptance of creating stateless individuals in legislation. Previously the move towards statelessness has been through the redefinition of British citizenship following growing concern of immigration and redefining the UK's political community as seen in the CIA 1961 and the BNA 1981. However, the turn of the 21st century changed the landscape of terrorism on the global stage. Deaths for transnational terrorist incidents had increased drastically following the September 11th attacks to a level that was unprecedented.[50] Additionally, the global threat hit closer to home for the UK following the London bombings in 2005, with real concern generated about homegrown terrorists following an attacker having a Yorkshire accent.[51]

Surrounding the September 11th attacks David Hicks was held in Guantanamo Bay for being involved in terrorist training in Afghanistan with Al Qaeda. Hicks was an Australian citizen attempting to secure his exit from his imprisonment and became aware under legal advice that he was entitled to British citizenship under Section 4C of the BNA 1981.[52] This realisation was vital to Hicks because it was common for the UK to arrange for the removal of British citizens from imprisonment at Guantanamo Bay and return them to the UK. The UK tried their best to deny that Hicks was entitled to citizenship, however, had no choice eventually to grant it to him, but stated they intended to immediately revoke such citizenship under Section 40 of the BNA 1981.[53]

Hicks took this decision to the Administrative Court, where he won his appeal that it was unlawful to revoke his British citizenship. The decision was then upheld by the Court of

[50] Graham Bird and others, 'International Terrorism: Causes, Consequences and Cures' [2008] 31(2) The World Economy 255-274, 257

[51] Caroline Sawyer, 'Civis Britannicus sum no longer? Deprivation of British nationality' [2013] 72(1) Journal of Immigration Asylum and Nationality Law 23-42, 29

[52] Section 4C British Nationality Act 1981

[53] Section 40 British Nationality Act 1981

Appeal.[54] The legislation used as the power to deprive Hicks of his citizenship in the first place was Section 40 of the BNA 1981, amended by the Nationality, Immigration and Asylum Act 2002, requiring the citizen to have acted in a way seriously prejudicial to the vital interests of the UK.[55] There was no question, that joining a terrorist organisation would be against the vital interests of the UK.[56] However, the court found difficulty in the interpretation of the statute prior. The Court of Appeal stated it was vital to use the former wording of the BNA 1981 that a *British* citizen must have acted in such a way. Hicks at the time of his actions would not meet this requirement as he was not a British citizen.[57] The argument was submitted by the UK that during his registration there was no way he could have been loyal to the UK and thus was going against their vital interests.[58] Surprisingly, the court took a sharp stance on this, stating it was 'inconceivable that Parliament can have had in mind the entire enemy… was disloyal'.[59] Undeniably, this marks a thorn in the UK in an era of the changing terrorist landscape. It becomes alarmingly clear the UK fears dual nationals who can come as they please to the UK with links to terrorism. A stark contrast can be seen between 'inconceivable' approaches to deprivations under legislation previous and later motivations from parliament,

This case sparked a change in legislation, bringing us closer to the eventual acceptance of statelessness in the UK as a desperate measure to try and protect national security. Shortly after the *Hicks* case, the Immigration, Asylum and Nationality Act 2006 (IANA) was passed, altering the deprivation test to one of holding citizenship not being conducive to the public good, a broader power.[60]

[54] Secretary of State for the Home Department v Hicks [2006] EWCA Civ 400

[55] Section 2 Nationality, Immigration and Asylum Act 2002

[56] Secretary of State for the Home Department v Hicks [2006] EWCA Civ 400, 6

[57] Secretary of State for the Home Department v Hicks [2006] EWCA Civ 400, 9

[58] Secretary of State for the Home Department v Hicks [2006] EWCA Civ 400, 12

[59] Secretary of State for the Home Department v Hicks [2006] EWCA Civ 400, 33

[60] Immigration, Asylum and Nationality Act 2006

The IANA 2006 is clearly a direct response to the *Hicks* case, the broader provisions were used to revoke his citizenship. However, it was not only targeted at him but also the broader notion that *Hicks* was just one example of the fresh blood of terrorism, the idea the terrorist could be anyone and not confined to national borders and geo-political regions and thus the UK felt the need to expand their deprivation powers in response.[61] Walker builds on this, he stresses the importance of the IANA 2006 as a turning point in the usage of nationality as a tool to protect national security.[62] Walker is correct in this assertion. The UK is terrified of the growing terrorist threat of dual nationals and therefore growing its powers was supposed to be their exit strategy, to ensure dual national terrorists are easy to remove thanks to expanded, broader and entirely discretionary powers for the Secretary of State.[63] Arendt's idea of political community is evidenced here, the UK, terrified of dual-national terrorists has resorted to the threat of exclusion from their political community as a response to the rise in the terrorist threat, an action which would leave them void of the ability to enforce their right to have rights within the UK, moving a step closer to accepting statelessness and violating their human dignity.

[61] Antonia Quadara, 'David Hicks In/As The Event of Terror' [2006] 24(1) The Australian Feminist Law Journal 141-160, 141

[62] Clive Walker, 'The Treatment of Foreign Terror Suspects' [2007] 70(3) Modern Law Review 427-457, 439

[63] Hina Majid, 'Protecting the right to have rights: the case of section 56 of the Immigration, Asylum and Nationality Act 2006' [2008] 22(1) Journal of Immigration Asylum and Nationality Law 27-44, 34

The Immigration Act 2014: A desperate grasp for national security in a losing battle

Shift in attitude towards British citizenship and its usage as a tool for the UK in times of troubled national security have been seen above. Whilst originally citizenship was redefined to tackle the perceived immigration threat, the powers expanded into the realm of deprivation by broadening the powers of the Secretary of State in the IANA 2006. This was taken in line with growing national security concerns, that dual nationals were a threat to the UK, however the expanded powers, whilst reactionary and extreme, did stop short of accepting statelessness. This did not last.

The case of *Al-Jedda* marked the breaking point for the UK in relation to accepting statelessness through deprivation laws.[64] *Al-Jedda* was a former Iraqi national who gained British citizenship following naturalisation in the UK. He was detained however by US forces and transferred into British custody, suspected of being a member of a terrorist organisation.[65] The Secretary of State issued a deprivation order on grounds that he was a threat to national security, and holding citizenship therefore was not in the public good.[66] The decision was challenged by Al-Jedda on grounds that he would become stateless, which the Secretary of State was required to be satisfied it would not.[67] The court was required to evaluate whether Al-Jedda was, in fact, stateless, however concluded under the Iraqi Nationality Law 1963 that upon becoming a British citizen he had in fact lost his Iraqi citizenship as a result.[68]

[64] Secretary of State for the Home Department v Al-Jedda [2013] UKSC 62

[65] Secretary of State for the Home Department v Al-Jedda [2013] UKSC 62, 6

[66] Section 40(2) British Nationality Act 1981

[67] Section 40 British Nationality Act 1981

[68] Iraqi Nationality Law No 43 1963

Unsurprisingly, the Secretary of State attempted to argue on the wording of the BNA 1981, putting forward that the word 'satisfied' entitled them to absolute discretion. This is unsurprising; within the context of the war on terror executive measures were being used increasingly to protect the UK's national security, thus assumed they would be afforded unlimited discretion in 'protecting' the UK.[69]

Much to the dismay of the Secretary of State, the court concluded they could not give the word 'satisfied' the weight the government had hoped.[70] A justification for this was founded on the simple premise that statelessness was dangerous to the individual due to the 'worldwide disabilities' that come from a lack of nationality.[71] The Secretary of State was referred back to their own government guidance on the right to leave to remain as a stateless person, in which the UK stressed that no one should be rendered stateless exposing a fallacy behind the Secretary of State's argument which was evidently against their own guidance.[72] The contrast shows desperation to use nationality as a counter-terrorism measure. Merry welcomes the judgment, seeing this as a clear moral position by the courts to ensure protection from statelessness, which revokes an individual's rights to have rights in a case where if the court wished, they essentially act as the final safeguard between the government acceptance of statelessness.[73]

This landmark defeat was not taken lightly by the UK, passing the Immigration Act 2014 (IA) immediately after.[74] *Al-Jedda* was mentioned 11 times during the debates.[75] The IA 2014 further amended the BNA 1981, allowing the Secretary of State to make someone stateless

[69] Nisha Kapoor, 'Removing the Right to Have Rights' [2015] 15(1) Studies in Ethnicity and Nationalism 105-110, 107

[70] Secretary of State for the Home Department v Al-Jedda [2013] UKSC 62, 30

[71] Secretary of State for the Home Department v Al-Jedda [2013] UKSC 62, 12

[72] Secretary of State for the Home Department v Al-Jedda [2013] UKSC 62, 34

[73] Will Merry, 'Do the Recent Changes in the UK's Approach to the Deprivation of Citizenship and Statelessness Constitute an Unacceptable Attack on British Citizenship' [2017] 4(1) Bristol Law Review 165-185, 175

[74] Immigration Act 2014

[75] Alice Ross and Oliva Rudgard, 'How one man was stripped of his UK citizenship twice' [2014] 1(1) Open Democracy (London) 1-4, 1

where they believe under law they could become a citizen elsewhere, without proof. The IA 2014 reforms are symbolic of the growing mindset after the September 11th attacks to utilise any measures possible to attack the terrorist threat.[76] This symbolic nature is further enforced when considering the narrative of the growing terrorist threat to the UK, whilst it began with tweaking citizenship laws in relation to immigration, the shift to targeting dual nationals ending with people with only assumed citizenship elsewhere clearly shows desperation to target the terrorist threat.[77] Whereas previous legislation moved citizens to alternative political communities, albeit with no guarantee the rights would be enforced, the IA 2014 marked a significant moment. The right to have rights has been erased. Should Al-Jedda have had his citizenship revoked whilst detained in Iraq, he would have been denied access to his basic rights, and his dignity would have been violated.[78]

The UK are painfully aware of the implications of its actions. Official UK guidance on statelessness stated 'Nationality is essential for full participation in society and a prerequisite for…human rights'.[79] Their own actions introducing the IA 2014, just as the court said in *Al-Jedda*, expose the fallacy behind the government's approach. Outwardly accepting the dangerous position of statelessness, revoking someone's right to have rights violates the very dignity of a person as established in chapter one. The shameless denial of dignity enforces the very fact the UK will do anything it can, including the acceptance of statelessness to protect the UK when its national security is at threat.[80]

In conclusion, the UK has accepted statelessness over a prolonged period, now in a position where deprivation orders can be made irrespective of whether they have confirmed

[76] Laurie Fransman, 'British Nationality Law' (3rd edn Bloomsbury Professional 2011)

[77] Joshua Kerr, 'Deprivation of citizenship, the Immigration Act 2014 and discrimination against naturalised citizens' [2018] 32(2) Journal of Immigration Asylum and Nationality Law 103-132, 110

[78] Caylee Hong, 'The citizen as mere human: Litigating denationalisation in post 9/11 UK' [2021] 21(2) Anthropological Theory 154-179, 162

[79] UK government, 'United Kingdom: Applications for leave to remain as a stateless person' National Legislative Bodies / National Authorities 1 May 2013

[80] Nisha Kapoor, 'Removing the Right to Have Rights' [2015] 15(1) Studies in Ethnicity and Nationalism 105-110, 108

citizenship elsewhere, giving the Secretary of State an ever-broader discretion, widening significantly since the September 11th attacks in a grasp for national security. The UK is rending people without a political community, shattering their right to have rights, and violating their human dignity. The current acceptance of stateless and its operation becomes apparent in chapter three, an evaluation of the *Begum* line of cases.

Chapter Three: A case study on the Begum line of cases

On the 19th of February 2019, the Home Secretary wrote to Shamima Begum to notify her in accordance with Section 40(5) of the BNA 1981 that he intends to make an order to revoke her British citizenship under Section 40(2) of the BNA 1981.[81] He took this decision as he believed it would be conducive to the public good to do so.[82] The reason for the deprivation was that the Home Secretary believed Begum was associated with ISIL, a terrorist organisation. He was satisfied in accordance with Section 40(4) of the BNA 1981 that Begum would not be made stateless due to her dual nationality status.[83]

The *Begum* line of cases consists of two stages, beginning in the Special Immigration Appeals Commission (SIAC), and reaching the Supreme Court, followed by appearing in SIAC again with amended grounds of appeal and most recently back in the Court of Appeal. This chapter is unable to explore all issues discussed amongst these cases and instead focuses on the relevance of statelessness, and the appeal against such a decision.

The Special Immigration Appeal Commission's initial judgment

The first SIAC judgment held that Begum would not be rendered stateless by the Home Secretary's citizenship deprivation order as the SIAC understood Begum was a dual national holding Bangladeshi Citizenship under Bangladeshi law.[84]

Begum disputed the fact she was a dual national, claiming that she would not be considered a citizen under Bangladeshi law. Whilst the judgment focuses its effort on interpreting vast amounts of Bangladeshi law, with several experts on the topic who were unable to provide a coherent and agreeable conclusion on the matter, the SIAC overstepped their capabilities.

[81] Section 40(2) British Nationality Act 1981

[82] Begum v Secretary of State for the Home Department [2021] UKSC 7

[83] Section 40(4) British Nationality Act 1981

[84] Shamima Begum v The Secretary of State for the Home Department SC/163/2019

As Brown established, the SIAC has no jurisdiction to interpret the law of another state, because they are not experts in foreign jurisdictions and ultimately it is for the Bangladeshi courts to rule on.[85] Furthermore, it leads to situations such as this, where Begum is at serious risk of becoming stateless by the complicated interpretation of a foreign jurisdiction's legislation.[86]

The misjudgement of the SIAC in this judgment is further evidenced by their disregard for the position of the Bangladeshi government when deciding whether Begum was a citizen at the time of the deprivation order. Only the smallest investigation would have been required for it to become apparent that in the eyes of the Bangladeshi government, Begum was not a citizen. This was made no secret, the Bangladeshi foreign minister gave a strongly worded statement, that Begum had never been a citizen, nor would she ever be one.[87] This position should be taken with caution, it is no surprise that Bangladesh would take this position given the nature of Begum's relationship with ISIL. It forces the question as to whether they would have taken this position if her circumstances were different. Despite raising real practical questions as the SIAC can not speak to the mind of Bangladesh. The former SIAC judgments *E3* and *N3* made this very clear, where there is an absence of a note verbale confirming the fact they are citizens of Bangladesh by the Bangladeshi government, the assumption by the SIAC can not be made.[88] This strengthens Brown's position with precedent, the SIAC has no ability to interpret Bangladeshi legislation and evidences claims that the SIAC are attempting to place national security before fairness in their judgments, accepting the creation of stateless persons.

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[85] Amanda Brown, 'Globalizing Anudo v. Tanzania: Applying the African Court's Arbitrariness Test to the UK's Denationalization of Shamima Begum' [2020] 18(1) UCLA Journal of Islamic and Near Eastern Law 129 – 177, 148

[86] Amanda Brown, 'Globalizing Anudo v. Tanzania: Applying the African Court's Arbitrariness Test to the UK's Denationalization of Shamima Begum' [2020] 81(1) UCLA Journal of Islamic and Near Eastern Law 129- 177, 157

[87] Ziaur Rahman, 'Nationality and Statelessness – Legal Issues Involving Shamima's Case' [2020] 19(1) Judicial Administration Training Institute 31-52, 34

[88] E3 and N3 v Secretary of State for the Home Department, Special Immigration Appeals Commission SC/138/2017

To follow this, the omission to communicate with Bangladesh on their views on Begum's citizenship status not only departs from legal precedent but additionally from the UK's international obligations under the CRS 1961 which implements safeguards to prevent situations such as this from occurring.[89] The convention places the burden of proof on the state, making the deprivation order to prove the individual, in this case Begum, would not be left stateless.[90]

Therefore, the SIAC in this judgment have made errors on the legal points, departing from past judgments and even international conventions that have resulted in the deprivation of Begum's citizenship. Even though Bangladesh has outwardly expressed she is not welcome there.[91] The disregard for her safety is a clear continuation of the UK's attitude towards diminishing safeguards to protect people from statelessness and has rendered Begum at risk of all the effects that come with it discussed in chapter one.

The Court of Appeal and Supreme Court Judgments: National security over fairness

Following the SIAC judgment, the case progressed to the Court of Appeal, and then the Supreme Court. This section demonstrates how the principles of fairness applied by the Court of Appeal have been replaced with principles of national security and strong separation of powers regarding deprivation decisions.

[89] United Nations Convention on the Reduction of Statelessness 1961

[90] Helena Von Nagy, 'Lay bare Its Hidden Frame: The deprivation of Foreign Isis Fighter's Citizenship in Denmark, the Netherlands and the United Kingdom' [2024] 45(2) Journal of International Business and Law 396-432, 423

[91] Amanda Brown, 'Globalizing Anudo v. Tanzania: Applying the African Court's Arbitrariness Test to the UK's Denationalization of Shamima Begum' [2020] 81(1) UCLA Journal of Islamic and Near Eastern Law 129- 177, 157

Once the *Begum* case reached the Court of Appeal, the pivotal question was on the role of the courts when the appellant wished to appeal a deprivation decision under Section 2B of the Special Immigration Appeal Commission Act (SIACA) 1997.[92] The Court of Appeal held that the judiciary can provide a full merits decision against a deprivation.[93] The court reached this view using the application of the *Delisallsi* judgment, which held there was a moral requirement that where the right of appeal existed under statute, without express wording limiting the nature of such appeal, it provided that a full merits appeal would be available as to not render the right to an appeal as a mere illusion.[94]

This application holds moral reasoning, it keeps the judiciary a place where fairness should be promoted in all instances, even those of national security. The implications this has upon statelessness is significant. Whilst the executive may deprive someone of their citizenship where they do not feel it would make the individual stateless and rely on national security justifications to validate their judgment and oppose challenges to such matters the Court of Appeal judgment allows full merits appeals. It implements the additional safeguarding provision to prevent individuals from becoming stateless, the value of which is paramount given the UK legislature's continued erosion on the prevention of statelessness.[95]

The judgment went further on the point of fairness, specifically its relationship to national security, it was understood that national security concerns could not override that basic principle of fairness that a full merits appeal would allow for due to an existing right that erroneous judgments should be treated fairly.[96] The judgment relied on the principles in the SIAC *Al-Jedda* case where the court took the position the SIAC were in the best position to check concerns of national security and the balancing act, in addition to fear that without

[92] Section 2B Special Immigration Appeals Commission Act 1997

[93] Begum v Special Immigration Appeals Commission [2020] EWCA Civ 918, 123

[94] Deliallisi v Secretary of State for the Home Department [2013] UKUT 00439(IAC)

[95] Chris Monaghan, 'The Court of Appeal … Appears to Have Overlooked the Limitations to its Competence, Both Institutional and Constitutional, to Decide Questions of National Security: Shamima Begum, the Supreme Court and the Relationship Between the Judiciary and the Executive' [2021] 26(2) Judicial Review 134-145, 140

[96] Shamima Begum v Secretary of State for the Home Department [2020] EWCA Civ 918, 61

balancing fairness, the individual could become at 'more than a mere possibility' of being subject to treatment prohibited by Article 3 of the ECHR.[97] This enforces the fact that the Court of Appeal wants to maintain as many safeguards in place to ensure deprivation appeals can be challenged effectively, without the ability to do this people are at risk of becoming stateless, and thus vulnerable to the devastating effects that statelessness brings on people as identified by Arendt.

The Supreme Court's judgment is entirely different to the Court of Appeals. Rather than the principle of fairness the focus was on the importance of the separation of powers between the executive and the judiciary regarding deprivation appeals. The impact this has on statelessness safeguards now is significant. The judgment places a high barrier of trust with the Home Secretary, assuming that during the security assessment prior to the deprivation, all relevant factors were considered; including whether it would leave the individual stateless.[98] Therefore the ruling established any appeal would be subject to judicial review principles rather than a full merit-based appeal.

The court attempted to justify this conclusion on two grounds. The first was the vague power provided by the opening words of Section 40(2) BNA 1981 which established that the Secretary of State was able to deprive a person of citizenship status if the Secretary of State is satisfied it was conducive to the public good.[99] The Supreme Court believed this erased the requirement of a right to a full merits appeal because it intended the executive to have wide discretion, further critiquing the suggestion of a full merits appeal on grounds the condition is 'Not that the SIAC is satisfied that deprivation is conducive to the public good'.[100] Despite overruling the Court of Appeals interpretation of when the right to appeal may occur, it did not engage with *Deliallisi*, the foundation of the decision, and the fundamental principle that unless there is an exception expressly stated the right to a merits appeal stands. Nowhere in the SIACA 1997 was such a limitation on a deprivation

[97] Shamima Begum v Secretary of State for the Home Department [2020] EWCA Civ 918, 71

[98] Frances Webber, 'The radicalisation of British citizenship' [2022] 62(2) Race and Class 75-93, 87

[99] Begum v Secretary of State for the Home Department [2021] UKSC 7, 66

[100] Begum v Secretary of State for the Home Department [2021] UKSC 7, 67

appeal made. Furthermore, the court in their reasoning stated there is no legislative indication that parliament intended discretion to be exercised by the judiciary.[101] This directly contrasts the *Deliallisi* approach, departing from legal precedent on full merit appeals to afford the Secretary of State increased discretion.

This is not the justification the Supreme Court see it as, rather, it evidences that the Supreme Court has errored at a point of law. By their very admission that parliament made no statement regarding the appeal, they accept that there is no express provision on the prevention of a full merits claim by the judiciary on a deprivation decision[102]. This has adverse implications on the ability of stateless individuals to appeal. It forces the acceptance of the Secretary of State's judgment and limits potential grounds of appeal where the Secretary of State has stated it would not make an individual stateless, whether this is the truth or not.

In addition to the Supreme Court's interpretation of Section 40(2), the court focuses its attention on the importance of the separation of powers in deprivation appeals. The primary case cited by the Supreme Court is *Rehman*.[103] The interpretation of *Rehman* by the Supreme Court is the judiciary has no place for assessing national security.[104] This is due to the difficult nature of national security judgments that require full defence owed to the Home Secretary because they can be held democratically accountable for making such assessments. In the same line of argument, the Supreme Court states that it is 'impossible for the security judgements to be viewed and challenged objectively', therefore full merit appeals can never be justified.[105]

Martin takes issue with this suggestion, understanding it as a rogue position for the Supreme Court to take. It disregards the abilities of the SIAC who can hear closed evidence,

[101] Begum v Secretary of State for the Home Department [2021] UKSC 7, 67

[102] Begum v Secretary of State for the Home Department [2021] UKSC 7, 66

[103] Secretary of State for the Home Department v Rehman [2001] UKHL 47

[104] Begum v Secretary of State for the Home Department [2021] UKSC 7, 70

[105] Begum v Secretary of State for the Home Department [2021] UKSC 7, 70

not released to the public or even the appellant, which puts It in the perfect position to view matters of national security objectively.[106] Therefore whilst of course, public safety is paramount, it can not be used as a shield to protect the Home Secretary from accountability in the judiciary by preventing a full merits appeal. The adaptation of a narrow interpretation sets the unjust precedent that individuals rendered stateless like Begum can never bring effective appeals, essentially disregarding them entirely due to a false illusion that we can not approach national security decisions objectively.[107] It reversed the progressive authority from the Court of Appeal that we should encourage fairness and prevent statelessness at all costs. The judgment falls into abdication of responsibility caused by presuming the executive is always right due to fully understanding the national security dimension.[108] Therefore the Supreme Court has bent over backwards to protect the Home Secretary, even where it involves eroding safeguards preventing statelessness and the encouragement of fairness in the interests of national security.

The Return of Begum to the Special Immigration Appeals Commission

Following the Supreme Court judgment, Begum had her case referred back to the SIAC, with amended grounds of appeal. This section continues to focus on statelessness as set out in ground 3 of the SIAC judgment.[109] Within the grounds of appeal, Begum argued that the deprivation decision rendered her de facto stateless due to the fact she is unable to travel to Bangladesh, for the reasons outlined in the preliminary SIAC decision. The position

[106] Stevie Martin, 'Defence, 'fairness' and accountability in the national security context' [2021] 80(2) Cambridge Law Journal 209-221, 213

[107] Ayesha Riaz, 'Increasing the Powers of the Secretary of State for the Home Department to Strip Individuals of their British Citizenship: R (on the application of Begum) v SSHD' [2023] 86(6) Journal of Political Silence 1517-1530, 1525

[108] Chris Monaghan, 'The Court of Appeal … Appears to Have Overlooked the Limitations to its Competence, Both Institutional and Constitutional, to Decide Questions of National Security': Shamima Begum, the Supreme Court and the Relationship Between the Judiciary and the Executive' [2021] 26(2) Judicial Review 134-145, 145

[109] Begum v Secretary of State for the Home Department SC/163/2019, 22 February 2023, 297

this subchapter will take is that this judgment interpreted *Pham* in a way inconsistent with fairness and in a way that enables statelessness by not giving due consideration to the impact of de facto statelessness.[110]

Within the SIAC decision, Begum relied on dicta in Pham, specifically comment from Lord Mance who emphasised how radical a step deprivation is, specifically where the person affected, has little ties to any other nationality.[111] Furthermore, Lord Sumption emphasises that de jure nationality 'seems unlikely to be of any practical value even if it exists in point of law'.[112] The aim of these arguments was to generate an understanding that de facto statelessness is of grave concern and should be treated identically to de jure statelessness in the eyes of the law. Despite pleas to recognise the practical effects that making Begum de facto stateless would have the court disregarded these comments, taking the position de facto statelessness is all they could establish to prove the Secretary of State errored in a point of law, regardless of the fact that the Secretary of State was aware of the 'devastating impact… identified'.[113] The SIAC here evaluated the issue of de facto statelessness in light of the time between appeals too, viewing her case in light of her being 19 at the time, disregarding that she was now 21, and under Bangladeshi law, would never be able to become a citizen under operation of their law.[114] This choice is significant, their interpretation has accepted statelessness and further ignores pleases to recognise de facto statelessness.

The SIAC has errored in this judgment, whilst understandably the SIAC has disregarded comments about the severity of deprivation, after all, the Home Secretary will already be aware of this, they have failed to consider other comments. For Thwaites, Pham is an ambiguous judgment with varying interpretations regarding the ability for someone to be

[110] Pham v Secretary of State for the Home Department [2015] UKSC 19

[111] Pham v Secretary of State for the Home Department [2015] UKSC 19, Lord Mance, 98

[112] Pham v Secretary of State for the Home Department [2015] UKSC 19, 108

[113] Begum v Secretary of State for the Home Department SC/163/2019, 22 February 2023, 303

[114] Begum v Secretary of State for the Home Department SC/163/2019, 22 February 2023, 303

de facto stateless that it only provides obiter dicta regarding the subject matter.[115] Therefore, ultimately up to the courts to decide on the matter.[116] Whilst this suggestion seems far-fetched, the claim has been evidenced in Pham's legacy in the aforementioned E3 and N3 cases, in which they held the practice of Bangladesh would effectively make them de facto stateless as there is no real prospect of them ever returning to Bangladesh. Of course, the dicta in Pham has been applied in the opposite way regarding deprivation cases, and it would be unfair to suggest otherwise. Considering the differences, evidently, judicial proceedings expose inconsistencies in the laws surrounding the standard that must be met for someone to be classed as stateless which requires courts to fill the gaps.[117] Despite this scope for flexibility in the law, the SIAC has chosen to side with a tough approach against recognising de facto statelessness as the standard. The decision to reject Pham and the application of E3 and N3 in both the Supreme Court judgment and the SIAC judgment sets out the court's opinion clearly. The territorial security of the UK could never be expected to hold any meaningful value to de facto statelessness.[118] Furthermore, the judgment follows the theme identified in the Supreme Court judgment, the courts are breaking their backs to provide grave discretion to the executive in the name of national security, even where it renders the individual stateless.

This decision has been challenged again within the Court of Appeal, bringing this line of cases to date, however largely nothing new is explored regarding a change in attitude on statelessness.[119] The case opened with a reminder that the SIAC is not the primary decision maker, and enforcing that the courts shall entrust the Secretary of State with a wide range

[115] Rayner Thwaites, 'Proof of Foreign Nationality and Citizenship Deprivation: Pham and Competing Approaches to proof in the British Courts' [2022] 85(6) The Modern Law Review 1301-1328, 1309

[116] Rayner Thwaites, 'Proof of Foreign Nationality and Citizenship Deprivation: Pham and Competing Approaches to proof in the British Courts' [2022] 85(6) The Modern Law Review 1301-1328, 1321

[117] Caylee Hong, 'The citizen as mere human: Litigating denationalization in post 9/11 UK' [2020] 21(2) Anthropological theory 154-179, 171

[118] Benjamin Mueser, 'The promise and peril of statelessness' [2023] 36(1) Cambridge Review of International Affairs 124-130, 126

[119] Begum v Secretary of State for the Home Department [2024] EWCA Civ 152

of discretionary powers.[120] Here the courts have made no new developments since the Supreme Court judgment, and evidences the complete acceptance of statelessness with the decisions not being contested anymore, as they were in the previous Court of Appeal and Supreme Court judgments. Furthermore, the importance of separation of powers has been enforced too within this judgment, as the judgment spoke to the concept of de facto statelessness. However it was ultimately concluded, in line with the Supreme Court judgement that the executive was aware of the impacts and had taken this into consideration when making the deprivation order, and this should not be challenged due to it being a matter of national security.[121] Ultimately, the case has established no novel approach, but is significant in its own right, by way of stabling a turbulent litigation battle with a conclusive judgment. The UK will afford the Secretary of State the utmost discretion on deprivation decisions, even where it would render that person de facto stateless, evidencing a complete acceptance of statelessness.

The *Begum* line of cases speaks volumes to the UK's attitude of statelessness. They make it impossible to reach any conclusion other than that the UK has accepted statelessness. At every opportunity, the UK has had the ability to take a compassionate and fair approach to prevent people from being impacted by statelessness. Whether it be the departure from precedent in the preliminary ruling that confirmation from Bangladesh was required, or the refusal to settle for principles of fairness the Court of Appeal set out which would encourage safeguards. Or finally, the SIAC's decision to disregard the consequences of de facto statelessness and the Court of Appeals' most recent judgements acceptance of this. In every instance, national security has been preferred over the prevention of statelessness, affording almost unlimited discretion to the Secretary of State.

[120] Begum v Secretary of State for the Home Department [2024] EWCA Civ 152, 10

[121] Begum v Secretary of State for the Home Department [2024] EWCA Civ 152, 110

Chapter Four: The violation of human dignity following acceptance of statelessness

The Shift from Political Community

The final chapter of this dissertation brings together previous chapters regarding the UK's acceptance of statelessness historically, as well as recently in the *Begum* line of cases. These chapters which prove that the UK accepts statelessness will be analysed through the lens of citizenship theory explored in chapter one, specifically the UK's move away from a political community and thus the right to have rights. This allows analysis of the human dignity element of the impact of statelessness by the UK. Leading to the question, can human dignity ever be limited, using an analogy with prisons?

A reminder of the fundamentals of citizenship theory is needed prior to being able to analyse the departure from aspects of what makes citizenship important, and the impact that this has on human dignity considerations. As established in chapter one, Arendt sees citizenship as belonging to a political community. She believes that it acts as the framework for citizenship, as citizenship is merely a representation of political community.[122] In her conception, political community is more than the name suggests, an idea of togetherness. It comes with essential features, such as allowing for the individual's interests to be represented by the state, due to their ability to participate in the democratic processes that come with citizenship.[123] Therefore, political community undermines the fabric of democracy, ensuring citizens have a voice, in turn acting as the framework for the individual to have 'the right to have rights'.[124] This is significant, political community being the groundwork for rights therefore require them to be inviolable, removal of such would

[122] Hannah Arendt, 'The origins of totalitarianism' (3rd edn, Allen & Unwin 1966), 385

[123] Stepanie DeGooyer and Others, 'The right to have rights' (1st edn Verso 2018), 403

[124] Hannah Arendt, 'The origins of totalitarianism' (3rd edn, Allen & Unwin 1966), 375

amount to a deprivation of our natural existence as human beings, as the human dignity element of this chapter will establish.[125]

Analysing the UK's practise of making terrorist suspects stateless through the lens of the departure from political community allows for the analysis of how the UK's attitude towards statelessness has in essence had wider implications, which can then be viewed through the lens of human dignity. For example, how it has revoked individuals' ability to have their interests represented, primarily in instances of de facto statelessness where there are few international protection frameworks. Whereas de jure statelessness is protected in international law such as the UNCRS and the United Nations Convention relating to the Status of Stateless Persons (UNCSSP).[126] The same protection has not been afforded to those affected by de facto statelessness.[127]

A shift away from political community, and thus respecting the fundamentals of citizenship in the counter-terrorism context can be seen throughout chapter two. One of the major signs of the shift is the *Al-Jedda* judgement.[128] Where the UK government attempted to deprive him of his citizenship regardless of the fact he would become stateless. Here there Is an obvious contrast between the idea of political community by the government and the judiciary. The UK government attempted to move away from the conception of political community by attempting to remove Al-Jedda from the UK's political community, their argument was founded on national security concerns that would justify the deprivation of his citizenship by being conducive to the public good.[129] Should this action have not been prevented by the Supreme Court, Al-Jedda would have been deprived of his right to have rights, which were once deemed inalienable. Saull shares concerns regarding the

[125] Andrew Schaap, 'Enacting the right to have rights: Jacques Rancie`re's critique of Hannah Arendt' [2011] 10(1) European Journal of Political Theory 22-45, 23

[126] United Nations Convention relating to the Status of Stateless Persons 1954

[127] Will Merry, 'Do the Recent Changes in the UK's Approach to the Deprivation of Citizenship and Statelessness constitute an Unacceptable Attack on British Citizenship' [2017] 2017(1) Bristol Law Review 165-185, 170

[128] Secretary of State for the Home Department v Al-Jedda [2013] UKSC 62

[129] Secretary of State for the Home Department v Al-Jedda [2013] UKSC 62, 22

revocation of citizenship leaving people stateless in relation to the removal of individuals from political community. For him, the concept of a political community undoubtedly contains a moral element, specifically a moral obligation to its individuals, such as the protection of their right to have rights.[130] In this instance, the state has a moral obligation to Al-Jedda, not to ignore any potential crimes, but to treat him within the justice system of the UK, the political community he belongs to, where he is able to enforce his rights.

The UK followed this judgment with legislation that allowed Begum to become stateless, the IA 2014.[131] There is no clearer signal that the UK is shifting away from the conception of a political community than legislating for the removal of its moral obligation to protect its community members' rights to have rights. This was the concern of Arendt, who feared deprivation of political community would go against our very existence as human beings.[132] *Al-Jedda* in many ways, acted as a precursor to the following perspective of Begum, an individual unable to be saved from political community obscurity and someone whose rights to have rights were not protected by a state terrified of allowing a potential terrorist threat to remain in the UK.

A shift away from political community is further evidenced through the treatment of Begum. As a brief recap, Begum was deprived of her British citizenship on national security grounds. She has appealed continuously with no success, with litigation ongoing. A major indication of the shift away from a political community and thus, her right to have rights is seen in the second SIAC decision where the SIAC considered whether she would be left stateless, following their interpretation of the *Pham* principles.[133] Whilst the SIAC had the option of following precedent such as *E3* which asks the court to look at whether the

[130] Richard Saull, 'Transforming Citizenship and Political Community: The Case of French Revolutionary Internationalism' 16(3) Global society: Journal of interdisciplinary international relations 245-275, 249

[131] Immigration Act 2014

[132] Hannah Arendt, The origins of totalitarianism (3rd edn, Allen & Unwin 1966), 383

[133] Rayner Thwaites, 'Proof of Foreign Nationality and Citizenship Deprivation: Pham and Competing Approaches to proof in the British Courts' [2022] 85(6) The Modern Law Review 1301-1328, 1321

individual would have a chance of returning to Bangladesh, they departed from this choosing to make her de facto stateless.[134] Interestingly, this statement judgment on deprivation decisions where it renders someone stateless ignores dicta from the Court of Appeal phase of *Pham*. In which reference to Arendt's conception of political community was mentioned directly.[135]

Political community does not require the conditional presence of the state, but a mutual recognition between humans within a political community.[136] There is a link between political community not requiring condition presence of a state. The UK has placed a condition on the inclusion of individuals in their political community, which violates the very concept of a political community. The UK must not see them as a threat to national security and follows an increasing trend of doing anything they can to remove the 'terrorist threat' following decades of reduced protections. This political shift is dangerous, by Arendt's account, the impact of the removal of British citizenship has extended 'scum of the earth status' attributed by the UK to a global status, one where they no longer have any rights, no state to rely on, exactly what has happened with Begum based merely on national security measures without any criminal charges.[137]

[134] E3 and N3 v Secretary of State for the Home Department, Special Immigration Appeals Commission SC/138/2017

[135] Pham v Secretary of State for the Home Department [2018] EWCA Civ 2064, 30

[136] Sarah Vandersluis and Paris Yeros, 'Ethics and Poverty in a Global Era' (1st edn Macmillan 2000), 34

[137] Hannah Arendt, The origins of totalitarianism (3rd edn, Allen & Unwin 1966), 35

Rightless and without dignity

The UK's shift away from the fundamental citizenship principle of the right to political community does not align with modern conceptions of human dignity in the counter-terrorism context. As established, the UK has demonstrated a move away from political community, revoking their citizens' right to have rights. The concept of rights is shrouded in dignity considerations, evidenced in the UN Charter preamble in which dignity was mentioned as the foundation for enforceable human rights.[138]

The starting point is that everybody possesses dignity. Without a requirement for them to meet certain criteria. Nor is there the ability to possess more dignity than another person.[139] The absolute that everyone possesses human dignity by virtue of there being no legal authority for its establishment provides that it is humankind that is the source of dignity.[140] Chapter one explored the alternative Pullman approach, based on humanity rather than the individual.[141] However, it was quickly dismantled as it had the potential to be incredibly discriminatory and dangerous. Therefore, the starting point to read the UK's shift from political community for national security measures in the counter-terrorism context remains the view that everyone has dignity, no matter what. This conception has been enforced by Cruz-Zuniga, she argues just how 'a speck must have colour' humans must have dignity. The human and the dignity are inseparable, and one can not exist without the other.[142]

The acceptance of this makes the UK's move from political community even more problematic. As if a person creates their dignity and thus their rights by virtue of their existence, the removal from a political community prevents them from ever being able to

[138] Preamble, United Nations Charter 1945

[139] Rosemarie Rizzo Parse, 'Human Dignity: A Humanbecoming Ethical Phenomenon' [2010] 23(3) Nursing science quarterly 257-262, 258

[140] Chengming Yang and Guo Yucheng, 'The Value and Realization of Human Dignity' [2013] 12(1) Human Rights 11-14, 12

[141] Apaar Kumar, 'Kant on the Ground of Human Dignity' [2021] 26(3) Kantian Review 435-453, 439

[142] Martha Cruz-Zuniga, 'An ontology of dignity' [2004] Metaphysica 115–131, 122

achieve their human dignity, a value supposed to be inalienable. This can clearly be seen in the treatment of Begum by the UK. Making her stateless, as a counter-terrorism tool in the interests of national security strips her of her political community, she has no nation to rely on to enforce her right to have rights anymore.

Begum is unique and irreplaceable. No one will ever be the same as she is and thus her banishment using national security as a justification ignores the unique value that stems from her existence.[143] The UK had a moral obligation to protect Begum given she belonged to the UK's political community, just like they had a moral obligation to protect Al-Jedda. However, the demolition of safeguards over time allowed the UK to disregard Begum's irreplaceable value as a human exiling her from political community, violating her human dignity. Something they were so desperate to do to Al-Jedda to remove any perceived terrorist threat in the UK.[144] It evidences that when it comes to matters of national security, the UK has no regard to the moral obligations they owe to individuals. They fully accept the practise of statelessness, and thus the deprivation of the very concept of political community attributed to citizenship, which allows individuals the right to rights. This acts as a complete violation of individuals such as Begum's inviolable human dignity.

Accusations of terrorism are extreme; thus, questions are raised surrounding whether those suspected of terrorism can possess dignity or not given their accused offence. Should they be found to be in a separate class of dignity, the shift away from political community the UK has exercised as a counter-terrorism measure by rendering individuals stateless may not violate the lower threshold of human dignity.[145] The starting point hasn't shifted. Everyone has intrinsic dignity by virtue of their existence and so the purpose of the section

[143] Linda Zagzebski, 'The uniqueness of persons' [2001] 29(3) Journal of Religious Ethics 401-423, 210

[144] Shai Lavi, 'Punishment and the Revocation of Citizenship in the United Kingdom, United States and Israel' [2010] 13(2) New Criminal Law Review 404-426, 425

[145] Arianna Vedaschi, Humiliation of Terrorism Victims: Is Human Dignity Becoming a 'National Security Tool'?. in Christophe Paulussen and Martin Scheinin (eds), Human Dignity and Human Security in Times of Terrorism (Asser Press The Hague 2020), 301

is not to contradict this notion, but instead to analyse whether a person's actions could make them so evil to suggest they lower their dignity.

Terrorists actions violate the human dignity of victims, without fail.[146] There is no exception to this rule to frame it in a way that the violation is for the greater good, as everyone's dignity is equal, by virtue of being human.[147] It could be suggested therefore that the forceful removal of someone else's dignity lowers the dignity of the terrorist or even the perceived terrorist like Begum, as she was accused of raising the next generation of terrorist fighters during her ISIL alliance.

However, approaching this using a scope of ethical relativism provides that moral values are purely subjective.[148] The subjective nature of ethics gives scope to the suggestion that Begum may have believed the assistance she gave ISIL was the correct thing to do, or at least was convinced to believe so given she was radicalised.[149] Whilst society mostly rejects terrorism, including its assistance, it is impossible to suggest an individual's dignity becomes limited merely because we deem it unacceptable, as ultimately it is a matter of perspective. As DeGioia establishes, 'one person's terrorist is another person's freedom fighter'.[150] We cannot allow the implementation in society of a tier of dignity, whilst some actions are abhorrent, this does not lower their absolute value as human. If allowed it would give rise to a justification allowing the UK to use citizenship deprivation where it would render a person stateless, violating human dignity, and justifying the revocation of their right to have rights.

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[146] John DeGioia, 'Human dignity and the future of global institutions' (1st edn Georgetown University Press 2014), 152

[147] John DeGioia, 'Human dignity and the future of global institutions' (1st edn Georgetown University Press 2014), 152

[148] Richard Berquist, 'From human dignity to natural law: an introduction' (1st edn The Catholic University of America Press 2019), 8

[149] Leonie Jackson, 'Constructing the 'good Muslim girl': hegemonic and pariah femininities in the British Preventing Violent Extremism (PVE) agenda' [2024] 18(1) Cambridge Review of International Affairs 1-19, 5

[150] John DeGioia, 'Human dignity and the future of global institutions' (1st edn Georgetown University Press 2014), 152

Any argument that dignity could ever be limited surrounding potential terrorist threats diminishes the idea of human dignity being existential. Dignity doesn't have the capacity to be challenged, altered or violated. It is not a value that a human can opt out of or into, and even less so be done on behalf of another, like the UK has done with Begum, and attempted to do with Al-Jedda during their deprivation proceedings. Therefore, national security concerns can never mean that an individual is reduced in dignity.[151] A shift away from political community undoubtedly violates anyone's dignity, by preventing them from enforcing their rights, including those who are a threat to national security. In an era where the war on terror has acted as a motivation throughout the diminishment of safeguards preventing statelessness established in chapter two, there has been a tendency to deconstruct principles of fairness, as also seen in the *Begum* line of cases. Therefore, it stands that dignity has never been more important to preserve. We all possess dignity, this is non-negotiable, and thus a shift from political community that statelessness enforces cannot be justified, it does not fit with conceptions of human dignity.[152]

[151] Franeta Duška, 'Human Dignity as an Existentiale? On Paul Ricoeur's Phenomenology of Human Dignity' [2021] 44(1) Human studies 63-86, 78

[152] Mireille Delmas-Marty, 'The Paradigm of the War on Crime: Legitimating Inhuman Treatment?' [2008] 5(3) Journal of International Criminal Justice 584-598, 590

Prisons: A justification to violate human dignity?

Prisons give rise to the debate that we already violate the human dignity of threats, by revoking their freedom and confining them to isolation for their actions. Whilst there of course have been some academic scholars advocating for the abolitionist movement of prisons, the consensus remains with the status quo. Whilst there has been a push for better prison conditions, there is not a large abolitionist movement. Craven attributes the justification of prisons to the notion of protecting a political community, he takes the stance a community maintains the right to protect itself by the use of imprisonment with the aim of keeping the crime in society to a minimum.[153] This enforces there is a moral element to the protection of members of a political community, we should not put them at risk from those who may choose to depart from the law and order of society.[154] Given the widespread consensus that prisons are morally acceptable, an analysis of whether they violate human dignity as a consequence is required. It allows for the analysis of whether this could mean the UK's practice of making people stateless and removing them from a political community as a counter-terrorism measure would be justifiable.

Maring holds the position, that the prison system violates the human dignity of inmates. This position is predominantly taken in relation to reports surrounding the attacks inmates face. Reports show that 20% of survey respondents in the prison system have been pressured on at least one occasion to have sexual encounters against their will during their time as an inmate.[155] Undoubtedly, anyone subject to forced sexual encounters has had their dignity violated.[156] It does not depart from the position taken previously that acts of terrorism violate the victim's dignity. All victims have their dignity violated. Maring goes on to state the fact that the system makes people increasingly vulnerable to cruelty is the moral abduction that violates inmates' dignity, yet it is justified on grounds of protecting

[153] George Benson & Cicely Craven, 'The Purpose of Imprisonment' [1947] 7(1) How J 162-165, 162

[154] George Benson & Cicely Craven, 'The Purpose of Imprisonment' [1947] 7(1) How J 162-165, 163

[155] Luke Maring, 'Not Justice: Prison as a Moral Failure' The Journal of Value Inquiry [2023] 1-20, 3

[156] Kristen Boon, 'Rape and Forced Pregnancy Under the ICC Statute: Human Dignity, Autonomy and Consent' [2001] 32(1) Columbia Human Rights Law Review 625-675, 645

the outside community.[157] The argument presented is flawed. It is not the prison system that violates the dignity of inmates, instead in line with previous themes of dignity surrounding terrorism offences, it is the act that violates the dignity. Nothing changes by being incarcerated in the prison system, humans are all equivalent, and violations should be seen regarding the blameworthiness of someone's actions.[158] Therefore, the prison system does not violate human dignity, and thus cannot be used as grounds for an argument that the UK would be able to violate individual human dignity through statelessness and its effects. Furthermore, this argument crumbles when considering the contrast between the UK's practice of making people stateless regarding counter-terrorism prevention and those charged with an offence. The two are fundamentally different. Begum has never been found guilty of any terrorism offences within the UK and so even if prisons did act as a limited exception to the violation of human dignity where someone has been convicted of an offence, it does not fit in line with the UK's practise on using citizenship deprivation as a counter-terrorism tool.[159]

In conclusion, the UK has demonstrated a shift away from the fundamentals of citizenship, political community, through their actions in diminishing safeguards with the eventual enactment of the IA 2014. The act has authorised the creation of stateless individuals by the UK as a counter-terrorism tool, which has been applied to Begum. The right have to rights has thus been eroded. This is of utmost concern, as it fails to fit with conceptions of human dignity that provide, everyone has equal inalienable dignity, it violates the very meaning of being human. Potential ways to justify the actions of the UK through the analogy of prisons also fail, violating someone's human dignity is unacceptable. The UK is guilty of this by their practice of revoking citizenship where it would leave someone stateless, as a tool for national security.

[157] Luke Maring, 'Not Justice: Prison as a Moral Failure' The Journal of Value Inquiry [2023] 1-20, 4

[158] John Fantuzzo, 'Recognizing human dignity behind bars: A moral justification for college-in-prison programs' [2022] 20(1) Theory and research in education 26-43, 29

[159] Reginald Betts and Lori Gruen, 'Are Prisons Permissible' [2021] 49(1) Philosophical Topics 81-98, 84

Conclusion

In conclusion, human dignity has been disregarded throughout the UK's effective acceptance of executive power to render someone stateless. Statelessness comes with grave problems, it does not fit within the Arendtian conception of political community, thus those who are rendered stateless do not enjoy the right to have rights that people with citizenship have. They have no access to any fundamental right held by most of society.

The acceptance of statelessness has been gradual following the September 11th attacks which shifted the global focus on terror, the UK has not been an exception to this. Following the rise in the terrorist threat, they attempted to utilise citizenship deprivation as a counter-terrorism tool. The UK attempted to prevent David Hicks from gaining UK citizenship by attempting to revoke it immediately after it was granted on national security grounds and changed the legislation immediately when the powers seemed too narrow to counter the terrorism threat that he provided. This was not a one-off scenario, as amongst the rubble of the failed deprivation of Al-Jedda on grounds it would make him stateless, the UK responded in full force, for the first time accepting statelessness as a counter-terrorism measure in legislation following the IA 2014.

The landscape of stateless safeguards post-2014 was thus in a perilous state, legislation allowed for the deprivation of Begum's citizenship. Even though she was not guaranteed to gain Bangladeshi citizenship, ultimately it was held this did not matter. The discretion shown to the Secretary of State was barely short of absolute, the Supreme Court bent over backwards to ensure the discretion was allowed. In addition, when it came to the SIAC's final judgement, blatant ignorance was displayed surrounding their ability to recognise Begum would be made de facto stateless, enforced in the latest Court of Appeal judgement. Ultimately, her life was in the court's hands, and they chose to continue the narrative of national security over all else, demonstrating complete acceptance within the UK of statelessness as a counter-terrorism measure.

This acceptance moves us away from political community; no longer are people's rights to have rights guaranteed, what was once thought as inalienable is no more. The UK Government does not exhibit any care for the consequences of someone being made stateless, something they are aware of following their own guidance on the matter. Given political community acts as the only way to enforce the rights that human dignity requires, by virtue of everyone being equal, and holding absolute value. The UK has unequivocally violated human dignity therefore in their acceptance of statelessness.

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