



Home Office

Tom Pursglove MP  
Minister for Justice and Tackling  
Illegal Migration

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28 March 2022

Dear Andrew,

Thank you for your letter of 14 February to the Home Secretary regarding two motions agreed by the London Assembly. I am replying as the Minister for Justice and Tackling Illegal Migration and I am sorry for the slight delay in doing so.

Overall, the Nationality and Borders Bill, part of the Government's New Plan for Immigration, seeks to build a fair but firm asylum and migration system. The principle behind the Bill – and the wider plan – is simple. We want to welcome the brightest and the best through a points-based system, crack down on evil people smugglers who have no regard for human life, and be able to remove dangerous foreign criminals from our streets, including the streets of London. This will ensure we have the capacity to help - through safe and legal routes - those genuinely fleeing in fear of their lives. The plan and the Bill represent the firm and fair approach that the British people want.

The Assembly's motion relates to Clause 9 of the Nationality and Borders Bill and the proposed amendment to existing deprivation powers contained in Section 40 of the British Nationality Act 1981. The Assembly expresses concern about the inclusion of the new amendment and has asked that consideration be given to its removal.

This clause will amend the British Nationality Act 1981 to disapply the requirement, in certain limited circumstances, to give notice of a deprivation of citizenship, including where it is not reasonably practicable to give notice. This could be, for example, because there is no way of communicating with the person, or where to do so may reveal sensitive intelligence sources. The clause also has retrospective effect, so that where a decision to deprive has already been made, but not notified to the person, the deprivation order stemming from that decision remains valid.

By way of background, the power to deprive a person of citizenship is not a new law – it has been in place for over a century, and is used against those who have acquired citizenship by fraud, and against the most dangerous people such as terrorists, extremists and serious organised criminals. In fact, on average, deprivation for reasons other than fraud has only affected around 19 people per year - a figure far away from the 'thousands' or even 'millions' some have regrettably suggested in order to fuel fear and concern. However, preserving the ability to make decisions in this way is vitally important, in order

to preserve the integrity of the immigration system and protect the security of the UK from those who would wish to do us harm.

Importantly, the Bill does not affect the ability of a person to exercise their statutory right of appeal against a decision to deprive them of citizenship. Indeed, these provisions in the Bill relate solely to the process of notification for a decision to deprive - the Bill does not widen the reasons for which a person could be deprived of their citizenship. Deprivation on conducive grounds is used sparingly and against those who pose a serious threat to the UK, or whose conduct has involved very high harm. The Home Office will always try to serve any deprivation notice at the point of decision. Where this is not possible, and the person later contacts the Home Office, they will be issued with the decision notice and an explanation of any right to appeal.

In conclusion, I would like to reiterate that the Government does not seek to extend deprivation powers through the inclusion of this clause - and deprivation of citizenship for reasons other than fraud will continue to only affect a small number of very high harm individuals each year. We also do not wish to deny a person their statutory right of appeal where we have decided to deprive, and the proposed clause, including the re-tabled amendments originally proposed by Lord Anderson of Ipswich, principally around judicial oversight, preserves this right. Ultimately, the change to notification is simply intended to ensure existing powers can be used effectively, in all appropriate circumstances, and does not in any way represent a policy change in this important area of work. Indeed, the scaremongering we have seen around this clause from some quarters is unacceptable, irresponsible and highly regrettable.

You also raised the issue of knife crime. I have referred your letter to the Minister of State for Crime and Policing, who is responsible for this area of policy, and who will respond to that portion of your letter in due course.

Once again, thank you for taking the time to write and I trust that this reply is helpful in clarifying our position.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Pursglove', is positioned above the printed name and title.

**Tom Pursglove MP**  
**Minister for Justice and Tackling Illegal Migration**