



Ad-Hoc Query on Revoking Citizenship on Account of Involvement in Acts of Terrorism or Other Serious Crimes

Requested by FI EMN NCP on 26st August 2014

Compilation produced on 25th of September 2014

Responses from 22 Member States

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1. Background Information

The Migration Department of the Ministry of Interior in Finland is interested in finding out what is the situation in other EU Member States regarding the revoking of citizenship of a person who has been involved in acts of terrorism or other serious crimes. The EMN NCPs are kindly requested to send their replies by Wednesday, the 10th of September.

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Questions

1. Is it possible according to current national legislation or practice to revoke an acquired citizenship on account of being involved in acts of terrorism or other serious crimes? Does the decision to revoke a person's citizenship depend on how long he/she has been a citizen, or which way (i.e. by birth, application, declaration etc.) and on what grounds the citizenship has been acquired?
2. If it is possible to revoke citizenship for the above mentioned reasons, is it still possible if it means that the person who loses his/her citizenship becomes stateless?
3. If according to current national legislation or practice it is not possible to revoke citizenship based on being involved in acts of terrorism or other serious crimes, is there any pending legislative amendment, which would make it possible to lose citizenship for the above mentioned reasons, or has there been / is there any ongoing research regarding this issue?

2. Summary of the replies




MS legislation which could lead to revoking citizenship included for example: (i) acts not ‘conducive to the public good’ and (ii) if persons have ‘conducted themselves in a manner seriously prejudicial to the vital interests of the MS’ or (iii) ‘taken up arms against the MS’ or (iv) because of ‘offences which threaten the fundamental interest of the State’. The replies indicate that it is fairly common to differentiate between persons with acquired citizenship and those who gained citizenship by birth. It is also fairly common to differentiate between persons who will become stateless or not. Nine (9) Member States out of the 22 that responded to this query lack any legislation that provides for revocation of citizenship as a result of acts of terrorism against the Member States.

3. Responses¹






		Wider Dissemination?²	
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¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.
² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."





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	Austria	Yes	1.-3. No, Austrian legislation does not allow revoking citizenship based on acts of terrorism or other serious crimes (see Art. 33 et seq. Citizen Act). There are no amendments pending and research on this issue could not be identified.
	Belgium	Yes	<p>1. Yes. According to article 23 and article 23/1 of the Belgian Nationality Code, acquired citizenship can be revoked, among others, on the basis of convictions for serious crimes (including terrorism) listed below:</p> <ul style="list-style-type: none"> - crimes against the King and against the security of the State; - crimes against humanity; - war crimes; - crimes of terrorism; - human trafficking and human smuggling; - theft of nuclear material. <p>The judgement depends indeed also on other elements:</p> <ul style="list-style-type: none"> - It must concern a serious conviction (on the basis of the above mentioned crimes) with a prison sentence of at least 5 years without suspension of the sentence. - The criminal facts must be committed in the 10 years after the day the person acquired the Belgian nationality, except in case of crimes against humanity and war crimes. - The citizenship cannot be revoked if the person acquired the Belgian nationality on the day of his birth through a Belgian parent; or if the person acquired the Belgian nationality because he was born in Belgium from foreign parents and at least one of the parents was born in Belgium and has been living in Belgium for at least 5 years in the last 10 years. <p>It is worth mentioning that the Belgian nationality can also exceptionally be revoked “on the basis of shortcomings in relation to obligations as a Belgian citizen”. On this ground a person lost the Belgian nationality in November 2010 after a conviction of terrorism. In this case, there is no legal time limitation for the Public Prosecutor to ask to revoke the Belgian citizenship.</p> <p>2. The Belgian legislation foresees that the judge will not revoke citizenship in case the person would become stateless. However, citizenship can nevertheless be revoked if the person acquired the Belgian nationality through fraud, false information or by withholding certain information. In this case, even if the person is not able to regain its original nationality, the person will lose its nationality only after “a reasonable period of time” in order to give the person some time to regain its original nationality.</p> <p>3. N/A</p>
	Bulgaria	Yes	According to Bulgarian Citizenship Act, Section III “Deprivation of Bulgarian citizenship”, Art. 24. “Person who has acquired Bulgarian citizenship by naturalisation can be deprived of it if he is convicted by enacted sentence for severe crime against the republic, on condition that he is abroad and does not remain without citizenship.”






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	Czech Republic	No	1. This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further
	Estonia	Yes	<p>1. A. Yes, according to Citizenship Act a person will be deprived of Estonian citizenship if person has attempted to change the constitutional order of Estonia by force.</p> <p>B. Decision to revoke a person's citizenship does not depend on how long s/he has been an Estonian citizen, but no one may be deprived of an Estonian citizenship acquired by birth.</p> <p>2. According to above-mentioned law, person may be refused to release from Estonian citizenship if the release will render the applicant stateless.</p> <p>3. No.</p>
	Finland	Yes	<p>1. According to Finnish legislation revoking citizenship is not possible because a person has been involved in acts of terrorism or other serious crimes.</p> <p>2. N/A</p> <p>3. In Finland there is no pending legislative amendment or on-going research on these issues</p>
	France	Yes	<p>1. Yes. According to Article 25 of the Civil Code, an acquired French citizenship can be revoked for serious matters, such as being convicted of acts of terrorism or of crimes or offences which threaten the fundamental interest of the State.</p> <p>According to Article 25(1) of the Civil Code, French citizenship may only be revoked if the crime is committed before acquiring French citizenship or within 10 years of the date of acquiring the citizenship (15 years if it concerns acts of terrorism or crimes or offences which threaten the fundamental interest of the State). Such a decision can only be pronounced within 10 years after the crime has been committed (15 years if it concerns acts of terrorism or crimes or offences which threaten the fundamental interest of the State).</p> <p>2. No. According to Article 25 of the Civil Code, it is not possible to revoke French citizenship if the person becomes stateless.</p> <p>3. N/A.</p>
	Germany	Yes	<p>1.) It is not possible to revoke the citizenship because of the involvement in acts of terrorism or other serious crimes. But in accordance with German legislation an unlawful naturalization can be withdrawn if the administrative act was obtained under false pretences, by threat or bribery or by providing incorrect or incomplete information which determined the issuance of this administrative act. A Person could provide incorrect information about the procedural provisions of the entitlement to naturalization, e.g. he or she has to confirm his or her commitment to the free democratic constitutional system enshrined in the Basic Law of the Federal Republic of Germany and declares that he or she does not pursue or</p>





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			<p>support and has never pursued or supported any activities</p> <p>a) aimed at subverting the free democratic constitutional system, the existence or security of the Federation or a Land or</p> <p>b) aimed at illegally impeding the constitutional bodies of the Federation or a Land or the members of said bodies in discharging their duties or</p> <p>c) any activities which jeopardize foreign interests of the Federal Republic of Germany through the use of violence or preparatory actions for the use of violence,</p> <p>or credibly asserts that he or she has distanced himself or herself from the former pursuit or support of such activities; he or she has not been sentenced for an unlawful act and is not subject to any court order imposing a measure of reform and prevention due to a lack of criminal capacity (Section 10 Nationality Act).</p> <p>A person could also provide incorrect information about pursuing activities aimed at subverting the free democratic constitutional system or the existence of a ground for expulsion applies pursuant to Section 54, nos. 5 and 5a of the Residence Act (Section 11 Nationality Act). A ground for expulsion applies pursuant to this section is a reason to believe that he or she belongs to or has belonged to an organisation which supports terrorism or supports or has supported such an organisation if he or she endangers the free democratic basic order or the security of the Federal Republic of Germany, participates in acts of violence or publicly incites to violence in pursuit of political objectives or threatens the use of violence. The withdrawal is feasible within 5 years after the naturalization.</p> <p>2.) As a rule, subsequent statelessness of the person concerned shall not preclude such withdrawal.</p> <p>3.) There is no pending legislative amendment or on-going research on these issues.</p>
	Hungary	Yes	<p>1. According to Hungarian legislation revoking citizenship is not possible because a person has been involved in acts of terrorism or other serious crimes, except for the case where citizenship may be revoked within 10 years from its acquisition in case the acquisition of Hungarian citizenship was obtained by naturalization and only for crimes committed in order to obtain Hungarian citizenship.</p> <p>2. N/A</p> <p>3. In Hungary there is no pending legislative amendment or on-going research on these issues.</p>
	Italy	Yes	<p>1. According to Italian legislation revoking citizenship is not possible because a person has been involved in acts of terrorism or other serious crimes.</p> <p>2. N/A</p> <p>3. In Italy there is a pending legislative amendment on these issues (n. 404 – march 2013), which was submitted by a small group of MPs from the opposition parties and which has virtually no chance of being approved.</p>
	Latvia	Yes	<p>1. Latvian legislation in force does not provide for the possibility to revoke citizenship on account of a person being involved in acts of terrorism or other serious crimes.</p> <p>2. N/A</p> <p>3. In Latvia, there is neither any pending legislative amendment nor any ongoing research on the aforementioned issues.</p>
	Lithuania	Yes	<p>1. No. There is no such a ground in the legal acts. However, Lithuanian citizenship may be not granted if a person has been involved in acts of terrorism and other serious crimes.</p> <p>2. No</p>


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			3. No
	Luxembourg	Yes	<p>1. According Luxembourgish legislation revoking citizenship is not possible because a person has been involved in acts of terrorism or other serious crimes. Article 15 of the Law of 23 October 2008 on Luxembourgish nationality establishes that the Luxembourgish nationality can be withdrawn when it has been obtained through unfair procedures. The only situations foreseen by the law are when it was obtained:</p> <ol style="list-style-type: none"> a. either through false statements, fraud or the concealment of important facts; b. on the basis of a forgery or the use of a forgery or on the basis of the appropriation of a name and only if the person has been found guilty of one of these offences in a final court judgement. <p>In any case the forfeiture is only possible if the person does not thereby become stateless.</p> <p>2. N/A.</p> <p>3. In Luxembourg there is no pending legislative amendment or on-going research on these issues.</p>
	Netherlands	Yes	<p>1. Citizenship may be withdrawn from persons who are irrevocably convicted for a terrorist offense or an international crime.</p> <ul style="list-style-type: none"> - The Netherlands Nationality Act describes which terrorist crimes classify for withdrawal of the citizenship. - An international crime is an offense described in Articles 6, 7 and 8 of the Rome Statute of the International Criminal Court. - For the withdrawal it does not matter on which way the citizenship is acquired. According to the European Treaty on Nationality to which the Netherlands are a party the withdrawal of Dutch nationality should not lead to statelessness. The possibility to withdraw the Dutch nationality is not limited in time. <p>2. See answer to question 1</p> <p>3. See answer to question 1</p>
	Poland	Yes	<p>1. It is not possible in Poland to revoke citizenship of a person involved in act of terrorism or other serious crimes.</p> <p>2. N/A</p> <p>3. There is no pending legislative amendment ongoing research regarding this issue.</p>
	Portugal	Yes	<p>1. According to Portuguese legislation revoking citizenship is not possible because a person has been involved in acts of terrorism or other serious crimes.</p> <p>2. N/A</p> <p>3. In Portugal there is no pending legislative amendment or on-going research on these issues</p>
	Slovak Republic	Yes	<p>1. No. According to the Article 9 of the Act No. 40/1993 Coll. on Citizenship of the Slovak Republic, citizenship of the Slovak Republic shall be lost in two ways:</p>

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			<ul style="list-style-type: none"> • at own request by release of the person from the bonds of the Slovak Republic, • by explicit manifestation to voluntarily acquire a foreign citizenship after 17 July, 2010. <p>2. N/A</p> <p>3. No</p>
	Slovenia	Yes	<p>1. According to current national legislation, more exactly the Slovenian Citizenship Act, revoking citizenship to the Slovenian citizen on account of being involve in acts of serious and repeated crimes or/and on a base of membership of organisation which actions is directly oriented on attack of constitution order of Republic of Slovenia and for other reasons prescribed in legislation is possible only in case when a person lives in another country and he/she is maintaining double citizenship. There are also other national legislations (Criminal law, etc) which could be considering when such decision might be taken. Citizenship Act do not contains any specific provision on "beneficiary circumstance" when considering such cases. Decision is taken by responsible administrative body base on discretion right.</p> <p>2. In case that person who might loss his/her citizenship become stateless revoking of Slovenian citizenship is not possible for any of reasons which are prescribed by legislation.</p> <p>3. THERE IS NO PENDING LEGISLATIVE AMENDMENT OR ON-GOING RESEARCH ON THESE ISSUES.</p>
	Spain	Yes	<p>1. According to Spanish legislation, revoking citizenship is not possible because a person has been involved in acts of terrorism or other serious crimes.</p> <p>2. N/A</p> <p>3. In Spain there is no pending legislative amendment or on-going research on these issues.</p>
	Sweden	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. Not to the best of our knowledge</p>
	United Kingdom	Yes	<p>1. Yes – both in legislation and in practice. The British Nationality Act 1981 allows for <i>any</i> British National to be deprived of their British citizenship where the Home Secretary considered it is ‘conducive to the public good’ and <i>they would not be left stateless</i> (i.e. they hold another nationality other than British). Individuals who are deprived under ‘conducive to the public good’ powers can include those involved national security (including espionage); war crimes; serious and organised crime; and unacceptable behaviour such as glorification of terrorism.</p> <p>Under new powers following the Immigration Act 2014 (amending the 1981 Act) <i>naturalised</i> British citizens can be deprived of their British Citizenship where they have ‘conducted themselves in a manner seriously prejudicial to the vital interests of the UK’, even if this leaves them stateless, in cases where the Home Secretary has reasonable grounds to believe that the person could, under the laws of another country or territory, become a national of that country or</p>

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			<p>territory.. Conduct considered ‘seriously prejudicial to the vital interests of the UK’ is a higher test than ‘conducive to the public good’ but includes national security (including espionage and terrorism) and those who take up arms against British or allied forces.</p> <p>2. As above, it is only possible to deprive/revoke the citizenship of <i>naturalised</i> British citizens (i.e. not British by birth or registration) and leave them stateless where their conduct meets the threshold of ‘seriously prejudicial to UK interests’ <u>and</u> the Home Secretary has reasonable grounds to believe they could acquire another nationality.</p> <p>3. No, there is no planned legislative amendments or ongoing research at present.</p>
	<p>Norway</p>	<p>Yes</p>	<p>1. Is it possible according to current national legislation or practice to revoke an acquired citizenship on account of being involved in acts of terrorism or other serious crimes? NO, not in Norway. Does the decision to revoke a person's citizenship depend on how long he/she has been a citizen, or which way (i.e. by birth, application, declaration etc.) and on what grounds the citizenship has been acquired? Norwegian citizenship cannot be revoked because of something the person has done after obtaining that citizenship. As such, even terrorist activities or other forms of criminal acts, which the applicant might have been involved in after becoming Norwegian, would <u>not</u> give cause to revoke that citizenship.</p> <p>2. If it is possible to revoke citizenship for the above mentioned reasons, is it still possible if it means that the person who loses his/her citizenship becomes stateless? N/A</p> <p>3. If according to current national legislation or practice it is not possible to revoke citizenship based on being involved in acts of terrorism or other serious crimes, is there any pending legislative amendment, which would make it possible to lose citizenship for the above mentioned reasons, or has there been / is there any ongoing research regarding this issue?</p> <p>The Norwegian Ministry of Children, Equality and Social Inclusion has only recently commissioned an official report regarding whether amendments should be made to the Norwegian nationality act, allowing revocation of Norwegian citizenship from persons who</p> <ul style="list-style-type: none"> a) have voluntarily served in a foreign military force, or b) have conducted seriously prejudicial acts against the vital interests of Norway <p>The answer to this at present is however no, Norwegian citizenship cannot be revoked based on criminal acts. There are only two cases for revoking citizenship (Norwegian Immigration Act regarding citizenship §26). One is when citizenship is granted on the condition that the applicant organizes release from any other citizenship within a short period of time. If this is not carried out, the Norwegian citizenship can be revoked. The other case is when the decision to grant Norwegian citizenship was actually invalid because the applicant for example, provided false information and was granted citizenship based on a false ID.</p>

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