



Citizenship Deprivation as a Counterterrorism Measure in Europe:

Rationale and Challenges

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Abstract

Since the proclamation of the Islamic State in Iraq and Syria (ISIS) Caliphate in June 2014, an unprecedented number of jihadi supporters in Europe have left their countries to fight alongside the organisation in Iraq and Syria. Over the years, ISIS has lost much of its territory and was militarily defeated in 2019, leaving a large number of members waiting in Kurdish camps and Iraqi prisons for their fate to be decided. Instead of repatriating foreign fighters, many European countries have started to use citizenship deprivation as a tool of preventing them from returning. Under the rationale of protecting national security and deterring possible supporters, it has been argued that citizenship deprivation is nothing more than risk exportation, with notable implications for a whole international community. This article provides an overview of the rationale behind citizenship deprivation as a counterterrorism measure and highlights how, from a counterterrorism perspective, shifting the problem instead of addressing it, could be counterproductive and undermine the fight against terrorism. The article concludes that despite numerous implications, following the public pressure to harshly respond to terrorism, it is unlikely that the popularity and use of citizenship deprivation as a counterterrorism measure will be in decrease soon.

Keywords: citizenship deprivation, foreign fighters, counterterrorism

1. Introduction

Since the proclamation of the Islamic State in Iraq and Syria (ISIS) Caliphate in June 2014, thousands of jihadi supporters have travelled to Iraq and Syria to settle in ISIS territories and fight alongside the organisation. This is with an unprecedented number of jihadi supporters in Europe expressing their support for the group.¹ In 2017, according to the Pew Research Center survey, people around the globe identified ISIS as the leading threat to national security.² Over the past years, the Islamic State (IS) has, however, lost most of the territories it controlled and its Caliphate was militarily defeated in March 2019, leaving a large number of surviving members waiting in Kurdish camps and Iraqi prisons for their fate to be decided.³ Although there have been calls upon European countries to repatriate foreign fighters, most countries refuse to take them back, and in fact do what is in their power to prevent them from returning by making use of legislative reforms that have expanded the use of deprivation powers in recent years, or initiating new reforms to prevent a similar situation in the future.⁴ According to Paulussen, the situation can be described as “legislation fever,” and governments, not being prepared for this new security landscape, have adopted many new measures, including citizenship deprivation,

¹Léa Eveline Jeanne Stéphanie Massé, “Losing Mood(s): Examining Jihadi Supporters’ Responses to ISIS’ Territorial Decline,” *Terrorism and Political Violence*, (October 2020): 1-21, <https://doi.org/10.1080/09546553.2020.1733989>;

After the declaration of the caliphate in June 2014, the group shortened its name to “Islamic State” (IS) to reflect its expansionist ambitions: Faisal Irshaid, “Isis, Isil, IS or Daesh? One Group, Many Names,” *BBC News*, last modified December 2, 2015, <https://www.bbc.com/news/world-middle-east-27994277>.

²Jacob Poushter and Dorothy Manevich, “ISIS and Climate Change Seen as Top Threats Globally,” *Pew Research Center’s Global Attitudes Project*, accessed July 28, 2020, https://www.pewresearch.org/global/2017/08/01/globally-people-point-to-isis-and-climate-change-as-leading-security-threats/?utm_content=buffer5b9c6&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer.

³Léa Eveline Jeanne Stéphanie Massé, “Losing Mood(s),” 1-21; Although militarily defeated, the IS continues to pose a threat. As it was stated by the Secretary-General on the threat posed by ISIL (Da’esh): “In the aftermath of the territorial defeat of ISIL, ISIL continues to aspire to global relevance, in particular through its affiliates and inspired attacks (...) the current lull in directed attacks by ISIL may be temporary (...) : “Ninth Report of the Secretary-General on the Threat Posed by ISIL (Da’esh),” *United Nations*, last modified July 31, 2019, <https://undocs.org/S/2019/612>.

⁴Maarten P. Bolhuis and Joris van Wijk, “Citizenship Deprivation as a Counterterrorism Measure in Europe; Possible Follow-Up Scenarios, Human Rights Infringements and the Effect on Counterterrorism,” *European Journal of Migration and Law* 22, no. 3 (October 7, 2020): 338-365, <https://doi.org/10.1163/15718166-12340079>.; Foreign fighters are defined by the UN Security Resolution 2178 as: “individuals who travel to a State other than their State of residence or nationality for the purpose of the perpetration, planning or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict”: United Nations Security Council, “Resolution 2178,” *United Nations Security Council*, last modified September 24, 2014, [https://www.undocs.org/S/RES/2178%20\(2014\)](https://www.undocs.org/S/RES/2178%20(2014)).

without critical evaluation.⁵ According to Boutin, these kinds of measures are territorially focused, aiming at addressing terrorism and the foreign fighters problem within a state's own territory.⁶ Furthermore, they are preventive, focusing on reducing the terrorist threat and preventing the occurrence of terrorist acts in the future. Additionally, these measures are restrictive, regarding the individuals to whom they are applied.⁷ With concerns rising about terrorism and the number of foreign fighters mobilising around the ideology of the IS, politicians have justified the expanded deprivation powers, presenting citizenship deprivation as a logical move and as an instrument in the protection of their national security interest.⁸

On the other hand, some argue that these policies are nothing more than risk exportation, shifting the problem without addressing it. These experts highlight how governments acting in this way should be careful not to export the risk to other countries.⁹ Hence, it is doubtful whether depriving foreign fighters of their citizenship can make these countries more secure. The article will focus on some of the countereffects of using citizenship deprivation in the fight against terrorism. Additionally, it is important to note that citizenship deprivation has a longer history in national legislation and a wider application than the post-9/11 counter-terrorism context.¹⁰ Historically, legislation such as this has been symbolic of “punishing disloyal behaviour.” It is particularly evident in the context of counterterrorism, where the involvement in terrorism symbolises a severe form of disloyalty to the state. In the post-9/11 era, due to their predominantly proactive and preventive nature, administrative measures became increasingly popular as an

⁵ Christophe Paulussen, “Countering Terrorism Through the Stripping of Citizenship: Ineffective and Counterproductive,” *ICCT*, last modified October 17, 2018, <https://icct.nl/publication/countering-terrorism-through-the-stripping-of-citizenship-ineffective-and-counterproductive/>.

⁶ Bérénice Boutin, “Administrative Measures against Foreign Fighters: In Search of Limits and Safeguards,” *Terrorism and Counter-Terrorism Studies – The Hague* 7, no. 12 (December 2016): 1-36, <https://doi.org/10.19165/2016.1.15>.

⁷ Boutin.

⁸ Laura Van Waas, “Foreign Fighters and the Deprivation of Nationality: National Practices and International Law Implications,” in *Foreign Fighters under International Law and Beyond*, eds. Andrea de Guttry, Francesca Capone and Christophe Paulussen (The Hague: Asser Press, 2016), 469-487.

⁹ Christophe Paulussen, “Citizenship Stripping: Protecting National Security or Passing the Buck?,” *Justice Hub*, last modified February 21, 2019, <https://justicehub.org/article/citizenship-stripping-protecting-national-security-passing-buck/>; Tamara Laine, “‘Passing the Buck’: Western States Race to Denationalise Foreign Terrorist Fighters,” *Journal of Peacebuilding & Development* 12, no. 2 (August 1, 2017): 22-35, <https://doi.org/10.1080/15423166.2017.1333448>.

¹⁰ Sangita Jaghai and Laura van Waas, “Stripped of Citizenship, Stripped of Dignity? A Critical Exploration of Nationality Deprivation as a Counter-Terrorism Measure,” in *Human Dignity and Human Security in Times of Terrorism*, eds. Christophe Paulussen and Martin Scheinin (The Hague: T.M.C. Asser Press, October 2019), 153-179, https://doi.org/10.1007/978-94-6265-355-9_8.

alternative to traditional criminal sanctions. However, although primarily presented as preventive rather than punitive, administrative measures may have a punitive and a repressive dimension, with more severe and far-reaching consequences than traditional criminal sanctions.¹¹ This paper explores the symbolic nature of the policy of citizenship deprivation, highlighting how politicians reacting to the foreign fighters phenomenon frequently emphasised the sense of betrayal of fundamental democratic values. Therefore, citizenship deprivation could be described as a quasi-criminal sanction for “disloyal individuals,” enshrined in a policy regulated by administrative law.

According to Paulussen, the rationale behind the policy is “we do not want to import the risk which is currently over there, and we want to keep it that way.”¹² Citizenship deprivation as a policy not only moves the problem around like a hot potato, but may even make the problem worse. Instead of deterring individuals it may instead further the radicalisation and identification of individuals already with those groups.¹³ Despite the strong foundations in national security protection, citizenship deprivation as a policy has a wide range of implications, from international law obligations, to the protection of human rights.¹⁴ For the purpose of this paper, the focus will be on some of the outcomes of citizenship deprivation as a counterterrorism measure that will be discussed hereinafter. The following section provides an overview of the justifications behind citizenship deprivation as a counterterrorism measure. Subsequently, section three discusses the implications and possible consequences of citizenship deprivation for counterterrorism. The fourth section concludes that the policy of citizenship deprivation risks causing more problems than it aims to solve, undermining the essence of counterterrorism.

¹¹ Tuomas Ojanen, “Administrative Counter-Terrorism Measures – a Strategy to Circumvent Human Rights in the Fight against Terrorism?,” in *Secrecy, National Security and the Vindication of Constitutional Law*, eds. David Cole, Federico Fabbrini and Arianna Vedesch (UK: Edward Elgar Publishing, 2013), 249-267, <https://doi.org/10.4337/9781781953860.00025>.

¹² Paulussen, “Citizenship Stripping.”

¹³ Paulussen, “Countering Terrorism.”

¹⁴ Tom L. Boekestein and Gerard-René de Groot, “Discussing the Human Rights Limits on Loss of Citizenship: a Normative-Legal Perspective on Egalitarian Arguments Regarding Dutch Nationality Laws Targeting Dutch-Moroccans,” *Citizenship Studies* 23, no. 4 (May 13, 2019): 320-337, <https://doi.org/10.1080/13621025.2019.1616448>.; Laura Van Waas, “Foreign Fighters,” 469-487; Letta Tayler, “Foreign Terrorist Fighter Laws: Human Rights Rollbacks Under Un Security Council Resolution 2178,” *International Community Law Review* 18, no. 5 (December 8, 2016): 455-482, <https://doi.org/10.1163/18719732-12341342>.

Paradoxically, citizenship deprivation could undermine one of its central aims – to reduce further radicalisation and prevent terrorist attacks. This conclusion is followed by a discussion of the challenges governments face in finding “the best solution” for the foreign fighters phenomenon through counterterrorism.

2. Protecting National Security

Many European countries, such as Belgium, France, and Germany, have used citizenship deprivation as a counterterrorism measure. This has been done based on diverse grounds and conditions but mainly allows only dual nationals to be deprived of citizenship.¹⁵ It is important to emphasise that the UK took a step further by allowing the ability to revoke citizenship from individuals with only one nationality or citizenship status.¹⁶ The reasoning behind such a decision is explained by the UK Home Office as follows:

It is not right that a person who has acquired British citizenship – and accepted the rights, responsibilities, and privileges that derive from this – can act in a way that threatens the security of the UK and retain British nationality simply because they may be left stateless as a result of deprivation.¹⁷

Although not all returnees will pose a threat, returning foreign fighters can be particularly dangerous. If only a small percentage of them plan to commit attacks, that poses great challenges for the security services.¹⁸ Following the omnipresent emphasis on the seriousness of the crimes committed by the IS, it could be argued that citizenship deprivation is a logical counterterrorism response, justified by the need to protect national security. In the recent high profile Shamima Begum case in the UK, the British government justified its decision to revoke Begum’s citizenship on the grounds that she was a security threat.¹⁹ This reasoning mirrored

¹⁵ Bolhuis and van Wijk, “Citizenship Deprivation,” 349.

¹⁶ See British Nationality Act 1981, available at <http://www.legislation.gov.uk/ukpga/1981/61>.

¹⁷ “Immigration Bill, Fact Sheet: Deprivation of Citizenship (clause 60),” *Home Office UK*, last modified January 2014, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277578/Factsheet_15_Deprivation.pdf.

¹⁸ Gilles de Kerchove, Christiane Höhn, “The Regional Answers and Governance Structure for Dealing with Foreign Fighters: The Case of the EU.” In *Foreign Fighters under International Law and Beyond*, eds. Andrea de Guttry, Francesca Capone and Christophe Paulussen (The Hague: Asser Press, 2016), 299-331.

¹⁹ Begum left the UK and joined IS in 2015, when she was 15. Her case has caused political divisions in the UK. For some, as being underaged when she left, she is a victim of grooming and online radicalisation, with some even arguing that she is a trafficking victim. In the eyes of others, and the UK government, as she was a willing participant, she represents a threat to national security. The government revoked her citizenship claiming

that of other countries. For example, in one of its rulings, France’s highest administrative court expressed: “Due to the nature and seriousness of the terrorist acts committed (...) the punishment of the stripping of nationality was not disproportionate.”²⁰ Steffen Seibert, the spokesman for Chancellor Angela Merkel, emphasised: “We must not forget what this is about. This is about concrete participation in combat operations for a terror militia abroad.”²¹ Moreover, The Danish Prime Minister expressed: “These people have turned their backs on Denmark and used violence to combat our democracy and freedom. They are not wanted in Denmark.”²² The Dutch Justice Minister supported the policy of revoking the Dutch citizenship of people with dual nationality if they are deemed to have joined foreign terror groups like IS or Al-Qaeda by stating: “These jihadists can pose a threat to national security when they return to the Netherlands.”²³ Finally, the appeals court in Antwerp, Belgium, withdrew the accused’s citizenship after he was charged with recruiting jihadists for the war in Syria. This was on the grounds that “he seriously failed to meet his obligations as a Belgian citizen and posed a permanent threat to public security.”²⁴

As has been made apparent, several European countries have expressed concerns for national security in their justifications of citizenship deprivation as a counterterrorism measure, mirroring prevalent public and political debates on the merits of expanding the powers of

that she is entitled to Bangladeshi citizenship. However, Bangladesh’s state minister for foreign affairs said that she would not be accepted in Bangladesh. On February 26, 2021, the UK’s Supreme Court unanimously ruled that Shamima Begum should not be allowed to return to the UK:

Al Jazeera, “Shamima Begum's Husband: 'We Should Live in Holland',” *Al Jazeera*, last modified March 3, 2019, <https://www.aljazeera.com/news/2019/3/3/shamima-begums-dutch-isil-husband-we-should-live-in-holland> ; “Shamima Begum: Terrorist or Victim of Child Grooming?,” *Crime+Investigation UK*, accessed March 2, 2021, <https://www.crimeandinvestigation.co.uk/article/shamima-begum-terrorist-or-victim-of-child-grooming>.; “Jamie Grierson, Shamima Begum Ruling Sets Dangerous Precedent, Say Legal Experts,” *The Guardian*, last modified February 26, 2021, <https://www.theguardian.com/uk-news/2021/feb/26/shamima-begum-ruling-sets-dangerous-precedent-say-legal-experts>.

²⁰ “French Court Upholds Stripping of Nationality for Terrorism,” *RFI*, last modified June 8, 2016, <https://www.rfi.fr/en/france/20160608-french-court-upholds-stripping-nationality-terrorism>.

²¹ Al Jazeera, “Germany Plans to Strip Passports of Fighters with 2nd Nationality,” *Al Jazeera*, last modified March 4, 2019, <https://www.aljazeera.com/news/2019/3/4/germany-plans-to-strip-passports-of-fighters-with-2nd-nationality>.

²² Al Jazeera, “Denmark Passes Legislation to Strip ISIL Fighters of Citizenship,” *Al Jazeera*, last modified October 24, 2019, <https://www.aljazeera.com/news/2019/10/24/denmark-passes-legislation-to-strip-isil-fighters-of-citizenship/>.

²³ News Wires, “Dutch MPs Vote to Strip Jihadists of Dual Nationality,” *France 24*, last modified May 24, 2016, <https://www.france24.com/en/20160524-dutch-mps-vote-strip-jihadists-dual-nationality>.

²⁴ AFP, “Belgium Court Strips Citizenship of Man Convicted of Recruiting Jihadists for Syria,” *The Defense Post*, last modified October 23, 2018, <https://www.thedefensepost.com/2018/10/23/belgium-strips-citizenship-fouad-belkacem-sharia4belgium-syria/>.

deprivation. Boutin (2016) stresses how the reasoning behind this approach is in the potential threat posed by those aligning themselves with the IS in respect of their country of nationality upon return. Thus, it could be argued that citizenship deprivation is a preventive measure aiming to “pre-emptively protect nations from their own citizens.”²⁵ The preventive aspect of citizenship deprivation is in line with the broader context of administrative measures, as ex-ante responses to terrorism. It seeks to prevent terrorism and radicalisation by banning a potential perpetrator from returning from a training camp or fighting abroad.²⁶ In other words, by stripping the “unwanted citizens” of their citizenship, a country is preventing their return. Additionally, there is a possibility that deterring individuals will further radicalise them and encourage membership in terrorist groups like IS by implementing such a policy.²⁷ Deprivation is ultimately presented as a way to suppress or punish unwanted behaviour, “be it where individuals are too keen to fight or not keen enough.”²⁸ By depriving “bad and disloyal citizens” of citizenship, countries hope to prevent others from being involved in terrorism and strengthen citizens’ sense of loyalty.²⁹ For instance, Germany, when discussing legislative measures to deprive its citizens of German citizenship, explicitly stressed the hope for preventive effects and the discouraging of citizens from joining such armed groups.³⁰ The UK stressed the same position by stating that it is important for people to know they cannot be a “gap-year jihadi,”³¹ exemplifying the symbolic aspect of such a measure. Public pressure to increase the protection of national security also warrants the need to punish foreign fighters, as they have not only committed monstrous crimes but are deemed to have betrayed their countries. Therefore, the severity of crimes committed by the IS demands a severe response.³² It is suggested that

²⁵ De Guttry, Paulussen, and Capone, *Foreign Fighters*, 475.

²⁶ Christophe Paulussen and Laura Van Waas, “UK Measures Rendering Terror Suspects Stateless: A Punishment More Primitive Than Torture,” *ICCT*, last modified June 5, 2014, <https://icct.nl/publication/uk-measures-rendering-terror-suspects-stateless-a-punishment-more-primitive-than-torture/>.

²⁷ Natalia Banulescu-Bogdan and Meghan Benton, “Foreign Fighters: Will Revoking Citizenship Mitigate the Threat?,” *Migration Policy Institute*, last modified April 3, 2019, <https://www.migrationpolicy.org/article/foreign-fighters-will-revoking-citizenship-mitigate-threat>.

²⁸ Paulussen and Van Waas, “UK Measures.”

²⁹ Jaghai and van Waas, “Stripped of Citizenship,” 153-179.

³⁰ Al Jazeera, “Germany Plans to Strip Passports.”

³¹ “Powers to Stop British Jihadists Returning to UK - PM,” *BBC News*, last modified November 14, 2014, <https://www.bbc.com/news/uk-politics-30041923>.

³² Christophe Paulussen and Laura van Waas, “The Counter-Productiveness of Deprivation of Nationality as a National Security Measure,” *ASSER Institute*, last modified March 23, 2013, <https://www.asser.nl/about-the->

citizenship deprivation is sending out the message to those considering joining the IS that they need to take personal responsibility and know the consequences of their actions.³³

Summarising the abovementioned, the rationale for passing or expanding citizenship deprivation laws could be practical and logical. The aim is to reduce the security threat by preventing potential terrorists from returning home and deterring those considering involvement in terrorist offences by sending a strong signal that people who have reneged on their obligations as citizens are no longer entitled to the protection of the state.³⁴ However, despite the strong foundations in national security protection, it is argued that these extended powers have numerous implications, some of which will be discussed below.³⁵

3. Implications

From a national security perspective, it is questionable whether citizenship deprivation measures will ultimately make countries (thus Europe) a safer place. Depriving foreign fighters of citizenship, may, from the perspective of the depriving state, temporarily be an effective measure, preventing them from returning to their home country while they are abroad.³⁶ However, depriving foreign fighters of citizenship does not mean preventing them, or their associates from perpetrating an attack, which they may simply commit elsewhere.³⁷ They may remain involved in terrorist activities or travel to other countries, establish and maintain contacts with other foreign fighters, and possibly be involved in attacks in other areas.³⁸ Another important point to consider, is that those determined to re-enter the country will still be able to find ways to do so irregularly, such as disappearing from the radar making it

institute/asser-today/blog-post-the-counter-productiveness-of-deprivation-of-nationality-as-a-national-security-measure/.

³³ Paulussen and van Waas.

³⁴ Banulescu-Bogdan and Benton, "Foreign Fighters."

³⁵ Boutin, "Administrative Measures," 1-36; Banulescu-Bogdan and Benton, "Foreign Fighters"; Paulussen, "Countering Terrorism"; Tayler, "Foreign Terrorist," 455-482.

³⁶ Bolhuis and van Wijk, "Citizenship Deprivation," 364; Mattia Pinto, "The Denationalisation of Foreign Fighters: How European States Expel Unwanted Citizens," *The King's Student Law Review* 9, no. 1 (2018): 67-78, https://www.academia.edu/37315829/The_Denationalisation_of_Foreign_Fighters_How_European_States_Expel_Unwanted_The_Denationalisation_of_Foreign_Fi.

³⁷ Banulescu-Bogdan and Benton, "Foreign Fighters"; Tayler, "Foreign Terrorist," 455-482.

³⁸ Pinto, "The Denationalisation," 78.

impossible to monitor their whereabouts.³⁹ Indeed, escapes from the notorious Al-Hawl camp in Syria exemplify this threat. A number of foreign, IS-affiliated women have escaped the Al-Hawl camp, using human smuggling networks, with unknown whereabouts.⁴⁰ Removing those who pose a threat to the security of a country means that country loses control, which also has a significant impact on the security of other countries. Looking from an immigration perspective, the rhetoric behind such a measure is that it will protect the national security by preventing the expatriated individual, who represents a security risk, from entering the country.⁴¹ Paradoxically, by exerting control, a country may also lose it, increasing the likelihood of under-the-radar onward travel. In addition, there is a possibility that a person who initially may not constitute a threat to the home country, after being deprived of citizenship, develops into a frustrated radical seeing their home country as a potential target.⁴² Therefore, citizenship deprivation may eventually assist the terrorists in “creating a fertile context in which radicalization can flourish.”⁴³

Moreover, it appears that deprivation of citizenship is not the ultimate solution for protecting national security, because it shifts the problem without addressing it. Boutin stresses how countries using citizenship deprivation refuse to directly address the problem posed by these individuals, and attempt to shift responsibility for it to another state.⁴⁴ According to Paulussen, citizenship deprivation can be described as “addressing the problem by making it someone else’s responsibility, it is a risk exportation, it reflects a pass the buck mentality.”⁴⁵

³⁹ Bolhuis and van Wijk, “Citizenship Deprivation”; Rebecca Mignot-Mahdavi, “Blog: Citizenship Deprivation Will Strengthen IS Jihadist Ideology,” *ASSER*, last modified November 8, 2019, <https://www.asser.nl/about-the-institute/asser-today/blog-citizenship-deprivation-will-strengthen-is-jihadist-ideology/>.

⁴⁰ “Belgian Jihadi Brides Escape from Kurdish Detention Camp,” *VRT News*, last modified May 25, 2019, <https://www.vrt.be/vrtnws/en/2019/05/25/belgian-jihadi-brides-escape-from-kurdish-detention-camp/>; Bethan McKernan, Vera Mironova, and Emma Graham-Harrison, “How Women of Isis in Syrian Camps Are Marrying Their Way to Freedom,” *The Guardian*, last modified July 2, 2021, <https://www.theguardian.com/world/2021/jul/02/women-isis-syrian-camps-marrying-way-to-freedom>.

⁴¹ Bolhuis and van Wijk, “Citizenship Deprivation.”

⁴² Paulussen, “Countering Terrorism.”

⁴³ Paulussen.

⁴⁴ Boutin, “Administrative Measures,” 1-36.

⁴⁵ Paulussen, “Countering Terrorism.”

The said policy could result in a “race to see which country can strip citizenship first and to the loser goes the citizen.”⁴⁶

Additionally, another reason to question the aim of safeguarding national security is the potential countereffect of facilitating radicalisation in multiple ways. According to some authors, deprivation can marginalise certain groups. Given the predominantly accepted practice of depriving dual-nationals of citizenship, the policy can be used against small groups and can result in unequal treatment between the citizens of a country, which in turn can lead to perceived discrimination.⁴⁷ Those from “targeted groups” (often minority groups) may perceive that only “their” people are targeted and will feel even more alienated and discriminated against.⁴⁸ Paulussen emphasises how this exclusion, marginalisation and perceived discrimination can result in scapegoating and further alienation.⁴⁹ The said combination may result in people radicalising and joining extremist groups as a response.

Furthermore, regarding the expressed purpose of the measure, some argue that the deterrent effect of citizenship deprivation is extremely weak.⁵⁰ Young people, often from minority groups, who feel alienated from their communities, are particularly vulnerable to recruitment by extremist groups. Such individuals may not be aware of the implications of losing their citizenship, or it may make “targeted groups,” particularly young men, feel victimised and additionally fuel extremism.⁵¹ Mignot-Mahdavi, focusing on citizenship deprivation in the context of IS foreign fighters, argues that citizenship deprivation is not only an ineffective measure, but its deterrent effect is considerably low. She further stresses that the policy, in fact, strengthens jihadist ideology based on the rejection of citizenship.⁵² IS foreign fighters embrace

⁴⁶ Laura Van Waas, “Foreign Fighters,” 469-487; An example of the “who is the quickest” approach is the case of Jack Letts aka Jihadi Jack. He possessed citizenship of Canada and the UK, and the UK revoked his citizenship. Canada denounced the UK’s decision and stated: *Canada is disappointed that the United Kingdom has taken this unilateral action to offload their responsibilities*: “Canada ‘Disappointed’ by UK Decision on Suspected ISIL Fighter,” *Al Jazeera*, last modified August 19, 2019, <https://www.aljazeera.com/news/2019/8/19/canada-disappointed-by-uk-decision-on-suspected-isil-fighter>.

⁴⁷ Laura Van Waas, “Foreign Fighters,” 469-487; Boutin, “Administrative Measures,” 1-36.

⁴⁸ Paulussen, “Countering Terrorism.”

⁴⁹ Paulussen.

⁵⁰ Pinto, “The Denationalisation,” 67-78; Banulescu-Bogdan and Benton, “Foreign Fighters”; Mignot-Mahdavi, “Citizenship Deprivation Will Strengthen IS.”

⁵¹ Banulescu-Bogdan and Benton, “Foreign Fighters.”

⁵² Mignot-Mahdavi, “Citizenship Deprivation Will Strengthen IS.”

a jihadist ideology that highlights, through numerous propaganda documents, the destruction of national identity and citizenship.⁵³ According to Mignot-Mahdavi, disbelief in citizenship is a condition to belong to IS, and citizenship deprivation confirms, to those tempted to join such groups, that the link with IS is more stable than their citizenship status.⁵⁴ Mignot-Mahdavi concludes that citizenship deprivation as a measure replicates the essence of the behaviour it condemns and can be counterproductive in a way that facilitates radicalisation.⁵⁵

By reviewing the abovementioned, it is evident how pressure caused by the foreign fighters phenomenon has led politicians to adopt highly symbolic measures, without considering long-term effectiveness, primarily to appear strong and stress that certain behaviours will not be tolerated.⁵⁶ When politicians are called upon to appear tough on terrorism, citizenship deprivation has a significant symbolic appeal and visibility, sending a strong message of citizenship as a privilege, not a right, to those who violated “our morals and values.”⁵⁷ Additionally, it is a cheaper and faster solution, unlike measures such as monitoring, detaining, and prosecuting suspected terrorists.⁵⁸ Boutin stresses how such a symbolic measure does not constitute an efficient tool against terrorism and in fact exemplifies a lack of global vision and appropriate response to the foreign fighters phenomenon.⁵⁹ More importantly, aside from ineffectiveness as a counterterrorism measure, it may work against the goals of counterterrorism policy, and even reinforce the ideology it aims to fight.⁶⁰

⁵³ Mignot-Mahdavi.

⁵⁴ Mignot-Mahdavi.

⁵⁵ Mignot-Mahdavi.

⁵⁶ Paulussen, “Countering Terrorism.”

⁵⁷ Alice Ross and Patrick Galey, “Rise in Citizenship-Stripping as Government Cracks down on UK Fighters in Syria,” *The Bureau of Investigative Journalism*, last modified December 23, 2013, <https://www.thebureauinvestigates.com/stories/2013-12-23/rise-in-citizenship-stripping-as-government-cracks-down-on-uk-fighters-in-syria>.

⁵⁸ Jaghai and van Waas, “Stripped of Citizenship,” 153-179; Alice Ross and Patrick Galey, “Rise in Citizenship-Stripping.”

⁵⁹ Boutin, “Administrative Measures,” 1-36.

⁶⁰ Mignot-Mahdavi, “Citizenship Deprivation Will Strengthen IS”; Christophe Paulussen, “The Counter-Productiveness of Deprivation of Nationality as a National Security Measure,” *European Network on Statelessness*, last modified March 18, 2020, <https://www.statelessness.eu/updates/blog/counter-productiveness-deprivation-nationality-national-security-measure>.; Said was concluded in the Resolution 2263 adopted by the Parliamentary Assembly of the Council of Europe in 2019, and it was further emphasised how the said policy may lead to the risk of exportation, and despite a strong symbolic function, it has a weak deterrent effect: “PACE - Resolution 2263 (2019) - Withdrawing Nationality as a Measure to Combat Terrorism: a Human-Rights Compatible Approach?,” *Parliamentary Assembly Council of Europe*, last modified January 25, 2019, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=25430>.

4. Conclusion

While summarising the abovementioned, one can ask if depriving these citizens of their citizenship makes us more secure. On the one hand, it is a practical, fast, and relatively cheap option. Under the pressure imposed after exposure of the atrocities committed by the IS, it is an immediate response by politicians, exporting the problem in an attempt to demonstrate that they are acting decisively and substantively to avoid further terrorist attacks, as well as punishing those previously implicated in fighting. Additionally, citizenship deprivation provides leeway for governments in the name of counterterrorism, without arduous court proceedings and strong safeguards of due process.⁶¹ However, on the other hand, a pervasive rationale behind the policy is to prevent terrorism and radicalisation, either by banning a potential perpetrator from returning from a training camp or fighting abroad or otherwise deterring those who may wish to do so in the future.⁶² It can be argued that the policy has proven politically popular, particularly because of its symbolic nature, satisfying the need for governments to act decisively on terrorism to assuage national security concerns. These countries do not want to allow those who fought with terrorist organisations to enjoy the privileges of citizenship.⁶³ Therefore, such behaviour demands a severe response that is persuasive to the general public. According to Benton and Banulescu-Bogdan and the politicians mentioned above, as a response to the severe crimes committed by foreign fighters and terrorist groups, citizenship deprivation is the only decisive response that the public can see to alleviate public anxiety and protect national security.⁶⁴ Having reviewed the following, despite the understandable reasons behind support for a policy which protects national security by excluding those that have caused great harm, this paper argues that citizenship deprivation will ultimately be counterproductive as a counterterrorism approach.⁶⁵ This policy may lead to alienation and perceived “targeting” or discrimination, which could result in scapegoating, thus reinforcing the ideology it aims to fight.⁶⁶ Additionally, there is strong criticism that the said policy is nothing more than risk

⁶¹ Tuomas Ojanen, “Administrative Counter-Terrorism Measures,” 249-267.

⁶² Banulescu-Bogdan and Benton, “Foreign Fighters.”

⁶³ Jaclyn Diaz, “No Country Will Take Them: Alleged ISIS Widow with Kids the Latest of Many in Limbo,” *NPR*, last modified March 26, 2021, <https://www.npr.org/2021/03/26/975149256/no-country-will-take-them-alleged-isis-widow-with-kids-the-latest-of-many-in-limbo>.

⁶⁴ Diaz.

⁶⁵ Bolhuis and van Wijk, “Citizenship Deprivation,” 364.

⁶⁶ Mignot-Mahdavi, “Citizenship Deprivation Will Strengthen IS.”

exportation, which may backfire not only on the security of the deprivation country but the wider international community. Laine argues that the current trend of depriving individuals who pose security threats of their citizenship has the potential to undermine global counterterrorism and peacekeeping efforts.⁶⁷ Thus, from a counterterrorism perspective, citizenship deprivation arguably does more harm than good, as it is a sanction with perilous consequences for society as a whole.⁶⁸

5. Alternative Solutions

One thing every author mentioned above unanimously agreed upon is the complexity of the foreign fighters phenomenon. There is no simple solution. Many argue that instead of depriving fighters of citizenship, there are other mechanisms to employ, such as repatriation, criminal prosecution, and/or rehabilitation.⁶⁹ Depriving foreign fighters of citizenship makes prosecution, and consequently, justice much more unlikely and removes the chance for rehabilitation. However, each of the abovementioned mechanisms has its own set of implications. If we take criminal prosecution as an example, there are numerous challenges. First, there is a lack of evidence to prosecute actual crimes committed due to the instability of the region and the absence of law enforcement for cooperation.⁷⁰ The alternative is lowering the burden of proof in a sense to criminalise participation in terrorist training camps, going abroad to join groups such as IS, providing or receiving terrorist training, etc.⁷¹ However, both mentioned scenarios may result in settling for minimum sentences, hence neither victims nor society, witnessing horrible crimes committed by the IS, find justice. Additionally, the prosecution also raises the question of rehabilitation and reintegration programs. Mignot-Mahdavi emphasises how the effectiveness of criminal prosecution as a long-term strategy depends on the broader criminal justice system, including comprehensive support that people leaving prison receive to reintegrate into society.⁷² Time spent in prison risks further radicalisation or may provide a fertile ground for the radicalisation of other inmates. According

⁶⁷ Laine, "Passing the Buck," 22-35.

⁶⁸ Mignot-Mahdavi, "Citizenship Deprivation Will Strengthen IS."

⁶⁹ Paulussen, "Citizenship Stripping"; Mignot-Mahdavi, "Citizenship Deprivation Will Strengthen IS."

⁷⁰ Mignot-Mahdavi, "Citizenship Deprivation Will Strengthen IS."

⁷¹ Mignot-Mahdavi.

⁷² Mignot-Mahdavi.

to Speckhard et al., prosecution requires an assessment of whether the incarceration, without the option for rehabilitation, poses a risk of potentially radicalised individuals seeding terrorist ideology throughout the prison, whereas short prison sentences risk returning would-be terrorists back into society.⁷³ Thus, the complexity of finding “*the best*” solution is evident. The recent judgement in the Begum case shows how citizenship stripping is still a favoured practice. Therefore, given the strong interest in maintaining sovereignty and protecting national security, following public pressure to harshly respond to terrorism and increase security, it is not so clear whether the popularity and use of citizenship deprivation as a counterterrorism measure will be in decrease anytime soon. However as mentioned above, abdicating to address the problem by simply shifting it to another country will be counterproductive, undermining global counterterrorism efforts.

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⁷³ Anne Speckhard, Ardian Shajkovci, and Ahmet S. Yayla, “Defected from ISIS or Simply Returned, and for How Long?- Challenges for the West in Dealing with Returning Foreign Fighters,” *Homeland Security Affairs*, last modified January 18, 2018, <https://www.hsaj.org/articles/14263>.

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