



November 2023

This Factsheet does not bind the Court and is not exhaustive

# Deprivation of citizenship

**Article 8 (right to respect for private and family life) of the [European Convention on Human Rights](#)** states:

*"1. Everyone has the right to respect for his private and family life, his home and his correspondence.*

*2. There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."*

Most of the cases concerning citizenship brought before the European Court of Human Rights have concerned applicants claiming the right to acquire citizenship and the denial of recognition of such citizenship. In these cases, the Court has observed that although right to a citizenship is not as such guaranteed by the European Convention on Human Rights or its Protocols, it did not exclude that an arbitrary denial of citizenship might in certain circumstances raise an issue under Article 8 of the Convention because of the impact of such a denial on the private life of the individual ([Karashev v. Finland](#), decision of 12 January 1999; [Genovese v. Malta](#), judgment of 11 October 2011).

## **[Ramadan v. Malta](#)**

21 June 2016

The applicant, originally an Egyptian citizen, acquired Maltese citizenship following his marriage to a Maltese national. It was revoked by the Minister of Justice and Internal Affairs following a decision by the relevant domestic court to annul the marriage on the ground that the applicant's only reason to marry had been to remain in Malta and acquire Maltese citizenship. The applicant complained about the decision to deprive him of his Maltese citizenship, asserting among other things that he was now stateless since he had had to renounce his Egyptian citizenship in order to become a citizen of Malta and was currently at risk of removal.

The Court firstly observed that a loss of a citizenship already acquired or born into, as in the applicant's case, could have the same (and possibly a bigger) impact on a person's private and family life as a person claiming the right to acquire citizenship or complaining about the denial of recognition of such citizenship. Thus, also in these situations an arbitrary revocation of citizenship could in certain circumstances raise an issue under Article 8 of the Convention because of its impact on the private life of the individual. However, the Court held that there had been **no violation of Article 8** of the Convention in the applicant's case, finding that, in the circumstances of the case, the decision depriving him of his citizenship had not been arbitrary. The Court noted in particular that the decision had had a clear legal basis under the relevant national law and had been accompanied by hearings and remedies consistent with procedural fairness. It had to be borne in mind also that that situation had come about as a result of the applicant's fraudulent behaviour. Indeed, any consequences complained of were to a large extent a result of his own choices and actions. Besides, the applicant, who was not threatened with expulsion from Malta, had nonetheless been able to pursue his business activities and to reside in Malta and it had still been open to him to apply for a work permit and a residence

permit there, which could eventually also make him eligible for citizenship. Lastly, he had not sufficiently convinced the Court that he had relinquished his Egyptian nationality nor demonstrated that he would not be able to re-acquire it if he had done so.

### **K2 v. the United Kingdom (application no. 42387/13)**

7 February 2017 (decision on the admissibility)

The applicant, a naturalised British citizen, left the United Kingdom in breach of his bail conditions. While he was out of the country, the Secretary of State for the Home Department ordered that the applicant be deprived of his citizenship on the ground that such measure was conducive to the public good. The applicant was also excluded from the United Kingdom on the ground that he was involved in terrorism-related activities and had links to a number of Islamic extremists. The applicant complained that the measures had breached his right to respect for his family and private life. He also argued that he could not properly make his case from abroad, because of fears that his communications could be intercepted by Sudanese counter-terrorism authorities that would then harm him.

The Court declared the application **inadmissible** as being manifestly ill-founded. It firstly found that, although an arbitrary denial or revocation of citizenship might in some circumstances raise an issue under Article 8 of the Convention, because of its impact on the private life of an individual, no such issue arose in the present case. The Home Secretary at the time had acted swiftly and diligently, and in accordance with the law. The Court also noted that the applicant had had a statutory right to appeal and access to judicial review but the UK courts had rejected his claims after giving them a comprehensive and thorough examination. Lastly, though some of the case against the applicant had been kept secret for security reasons, his special advocate had had access to this information, and the nature of the case was broadly known to the applicant. Moreover, the Court held that Article 8 of the Convention could not be interpreted so as to impose an obligation on States to facilitate the return of every person deprived of citizenship in order for them to pursue an appeal against that decision. The UK court had rejected the applicant's claims about not being able to argue his case from abroad, and the Court did not consider itself in a position to call into question that finding. Furthermore, the UK court had adopted a cautious approach to the case given the absence of instructions from the applicant, but still found conclusive evidence that he had been engaged in terrorism-related activities. In any case, it was the applicant who had originally chosen to leave the country. Finally, the Court noted that the applicant would not be left stateless by the loss of UK citizenship (as he had Sudanese citizenship), and the interference to his private and family life caused by the deprivation of citizenship was limited.

### **Ghoumid and Others v. France**

25 June 2020

This case concerned five individuals, formerly having dual nationality, who were convicted of participation in a criminal conspiracy to commit an act of terrorism. After serving their sentences they were released in 2009 and 2010, then stripped of their French nationality in October 2015. The applicants argued in particular that the revocation of their nationality had breached their right to respect for their private life. They added that their loss of nationality was a “disguised punishment” constituting a sanction for conduct in respect of which they had already been convicted and sentenced in 2007 by the Paris Criminal Court. The Court held that there had been **no violation of Article 8** of the Convention, finding that the decision to deprive the applicants of French nationality had not had disproportionate consequences for their private life. It reiterated in particular the point, already made in a number of judgments, that terrorist violence constituted in itself a serious threat to human rights. As the applicants already had another nationality, the decision to deprive them of French nationality had not had the effect of making them stateless. In addition, loss of French nationality did not automatically entail deportation from France, but if such a measure were to be decided against them they would have the appropriate remedies by which to assert their rights. The Court further observed that deprivation of nationality under Article 25 of the French Civil Code was not a criminal

sanction, within the meaning of **Article 4 of Protocol No. 7** (right not to be tried or punished twice) of the Convention, and that this provision was therefore **inapplicable**.

### **Usmanov v. Russia**<sup>1</sup>

22 December 2020

This case concerned a national of Tajikistan's complaint about decisions to revoke his Russian citizenship and remove him from Russian territory. The applicant had been granted Russian citizenship in 2008, but it had been revoked ten years later when the authorities discovered that he had omitted the names of his brothers and sisters in his application. The applicant alleged that, in the decisions to revoke his Russian nationality and exclude him from Russia, the authorities had failed to duly take into account his family situation or to explain why he had posed a threat to national security.

The Court held that there had been a **violation of Article 8** of the Convention as concerned both the revocation of the applicant's Russian citizenship and the decision to expel him from Russian territory, finding that, overall, it had not been convincingly established that the threat which the applicant had allegedly posed to national security had outweighed the fact that he had been living in Russia for a considerable period of time in a household with a Russian national, with whom he had four children, two of whom had been born in Russia. That was particularly relevant given that during his stay in Russia the applicant had not committed any offences. The Court noted in particular that the authorities' decisions in the applicant's case had been overly formalistic, failing to duly balance the interests at stake. In particular, they had not shown why the applicant's failure to submit information about some of his siblings had been so grave that it was justified to deprive him of his Russian citizenship so many years after he had obtained it. Indeed, revoking the applicant's citizenship for such an omission, without the authorities carrying out any kind of balancing exercise, had been grossly disproportionate.

### **Johansen v. Denmark**

1 February 2022 (decision on the admissibility)

The applicant in this case was born in Denmark to a Danish mother and a Tunisian father and had dual nationality. The case concerned the stripping of his Danish nationality following his conviction in 2017 for terrorism offences, in particular for having gone to Syria to join the "Islamic State". The authorities had also ordered his deportation from Denmark with a permanent ban on his return.

The Court declared the application **inadmissible**, finding the applicant's complaints about the stripping of the Danish nationality and his expulsion manifestly ill-founded. It noted in particular that the decisions concerning the applicant, who had dual Danish and Tunisian nationality, had been made after a thorough, diligent and swift assessment of his case, bearing in mind the gravity of his offences, his arguments and personal circumstances, the Court's case-law and Denmark's international obligations. The Court also emphasised that it was legitimate for Contracting States to take a firm stand against terrorism, which in itself constituted a grave threat to human rights.

### **Emin Huseynov v. Azerbaijan (no. 2)**

13 July 2023

This case concerned the applicant's complaint about being deprived of his Azerbaijani citizenship in June 2015, making him stateless. At the time he was an independent journalist and the chairman of a non-governmental organisation specialising in the protection of journalists' rights. He had just spent ten months in hiding in the Swiss embassy in Baku as he was on a wanted list in connection with criminal proceedings against his NGO concerning alleged financial irregularities, before leaving on a plane with the Minister of Foreign Affairs for Switzerland where he was granted asylum shortly afterwards.

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<sup>1</sup>. On 16 September 2022 the Russian Federation ceased to be a Party to the European Convention on Human Rights ("the Convention").

The Court firstly noted that the decision terminating the applicant's citizenship had left him without any valid identity document, creating general uncertainty as regards his legal status as an individual and directly affecting his social identity. It therefore amounted to an interference with the applicant's right to respect for private life under Article 8. In keeping with its case-law, the Court's duty was therefore to determine whether that interference had been arbitrary or not – that is to say whether it was legal, whether the applicant had had an opportunity to challenge the decision, and whether the authorities had acted diligently and swiftly. In the present case, the Court noted in particular that the national authorities had given no heed to the fact that the termination of the applicant's citizenship, rendering him stateless, would be in breach of Azerbaijan's international law obligations. Also, since the applicant had not been able to contest the decision to terminate his citizenship before the national courts, he had not benefited from the necessary procedural safeguards. Therefore, the Court found that the decision to terminate the applicant's citizenship had been arbitrary and had **violated Article 8** of the Convention.

## Pending applications

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### **El Aroud v. Belgium (no. 25491/18) and B.S. v. Belgium (no. 27629/18)**

Applications communicated to the Belgian Government on 5 November 2018

This case concerns the removal of the applicants' Belgian nationality following their conviction for acts related to terrorism. The applicants complain in particular that they were deprived of two levels of jurisdiction relating to the decision to strip them of their citizenship.

The Court gave notice of the applications to the Belgian Government and put questions to the parties under Article 2 (right of appeal in criminal matters) of Protocol No. 7 to the Convention and under Article 6 § 1 (right to a fair trial within a reasonable time) and Article 8 (right to respect for private life) of the Convention.

### **Benahmed v. France (no. 25203/22)**

Application communicated to the French Government on 22 May 2023

This case concerns the removal of the applicant's French nationality following his conviction for acts related to terrorism.

The Court gave notice of the application to the French Government and put questions to the parties under Article 8 (right to respect for private life) of the Convention.

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