

NOTE

UNEQUAL CITIZENSHIP: HOW CITIZENSHIP REVOCATION AS AN ANTI-TERRORISM TOOL DEVALUES CITIZENSHIP IN THE UNITED KINGDOM & DENMARK

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ABSTRACT

Citizenship is often portrayed as an essential legal and social status: people define themselves by where they come from, and where they can always return. However, citizenship revocation—a method of involuntarily stripping an individual of their citizenship, for reasons such as counter-terrorism—turns this notion on its head. To frame how the practice of revocation impacts citizenship, this note conceptualizes citizenship under two frameworks: citizenship as a privilege or a right, and as one of four models based on the citizen's role in, and relationship to, society. Functioning within these conceptual frameworks—and under international and regional laws regulating the treatment and revocation of citizenship—revocation affects the ex-citizen in numerous ways and interferes with societal understandings of citizenship. Based on these underlying frameworks and the case studies of the citizenship revocations of Shamima Begum in the United Kingdom and Adam Johansen in Denmark, this note argues that the practice of citizenship revocation unequally devalues citizenship on racialized grounds. Through this devaluation of citizenship, as well as the treatment of ex-citizens by governments and domestic and regional courts, revocation drains citizenship of its ethos and reduces it to merely a revocable license. Ultimately, it makes citizenship fragile, not just for individuals who risk losing their own citizenship, but for the entire populace, and makes society vulnerable to democratic erosion. As the practice of citizenship revocation spreads throughout the world, this note warns of the widespread impacts of unwieldy and unmeasured uses of citizenship revocation as a counter-terrorism tool.

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I. INTRODUCTION

Citizenship has consistently been wielded as a tool of exclusion throughout history, especially in the form of revocation—the practice of involuntarily stripping an individual of their citizenship. Many states around the world have traditionally used citizenship revocation to respond to perceived violence or disloyalty, to suppress political dissent as a form of lawfare,¹ and even as an instrument of genocide. Historical uses range from banishment and exile in Ancient Athens;² to Germany’s revocation of citizenship from Jewish citizens and political opponents starting in the 1930s;³ to the Dominican Republic’s recent use to revoke the citizenship of hundreds of thousands of Dominican citizens of Haitian descent, a historically marginalized group.⁴

In response to World War II, many European states removed laws and constitutional provisions allowing for citizenship revocation, or refrained from enforcing those left in place.⁵ Citizenship revocation was associated with totalitarian and oppressive regimes, and was viewed as a relic of historical banishment and expulsion.⁶ However, since the turn of the century, governments have increasingly designed and deployed citizenship revocation laws as counter-terrorism tools, marking a significant departure from the post-war period in which revocation was widely discredited. In the wake of global terrorism—notably the 9/11 attacks in the United States and the 7/7 attacks in the United Kingdom—many Western states adopted stricter revocation approaches⁷ and began

1. See Nyi Nyi Kyaw, *Citizenship Stripping in Myanmar as Lawfare*, 4 STATELESSNESS & CITIZENSHIP REV. 280, 282–83 (2022).

2. See Audrey Macklin, *The Return of Banishment: Do the New Denationalisation Policies Weaken Citizenship?*, in DEBATING TRANSFORMATIONS OF NATIONAL CITIZENSHIP 163, 163 (Rainer Bauböck ed., 2018) [hereinafter Macklin, *Banishment*]; Mercedes Masters & Salvador Santino F. Regilme, Jr., *Human Rights and British Citizenship: The Case of Shamima Begum as Citizen to Homo Sacer*, 12.2 J. HUM. RTS. PRAC. 341, 342 (2020); Rutger Birnie & Rainer Bauböck, *Introduction: Expulsion and Citizenship in the 21st Century*, 24 CITIZENSHIP STUD. 265, 267 (2020); Ahmad Abbas, *When Nations Unmake Citizens: A History of Denaturalization*, INV. MIGRATION INSIDER (2025).

3. See Stefan Magen, *Naturalizations Obtained by Fraud – Can They Be Revoked? The German Federal Constitutional Court’s Judgment of 24 May 2006*, 7 GERMAN L. J. 681, 681 (2019); Kerstin Bree Carlson, *Ties That Sever: Losing the Right to Belong in Denmark*, 36 L. & CRITIQUE 407, 407 (2024) (“Germany’s non recognition of certain of its citizens was a critical step that enabled genocide.”); Birnie & Bauböck, *supra* note 2, at 265.

4. Laura Bingham & Natasha Arnpriester, Open Society Justice Initiative, *Unmaking Americans: Insecure Citizenship in the United States* 36 (David Berry & James A. Goldston eds., 2019); Kevin Appleby, *Ten Years After a Fateful Court Decision, the Dominican Republic Still Has a Statelessness Problem*, CTR. FOR MIGRATION STUD. (2023), <https://cmsny.org/dr-statelessness-problem-appleby-102323> [<https://perma.cc/558J-TGZT>].

5. CHRISTIAN PRENER, DENATIONALISATION AND ITS DISCONTENTS: CITIZENSHIP REVOCATION IN THE 21ST CENTURY: LEGAL, POLITICAL, AND MORAL IMPLICATIONS 2 (2022) [hereinafter PRENER, DENATIONALISATION]; Birnie & Bauböck, *supra* note 2, at 267–68.

6. See Patti Tamara Lenard, *Democracies and the Power to Revoke Citizenship*, 30.1 ETHICS & INT’L AFF. 73, 75–76 (2016).

7. See LUUK VAN DER BAAREN ET AL., INST. ON STATELESSNESS AND INCLUSION AND GLOB. CITIZENSHIP OBSERVATORY, INSTRUMENTALISING CITIZENSHIP IN THE FIGHT AGAINST TERRORISM: A GLOBAL COMPARATIVE ANALYSIS OF LEGISLATION ON DEPRIVATION OF NATIONALITY AS A SECURITY MEASURE (2022); PRENER, DENATIONALISATION, *supra* note 5, at 2 (citizenship revocation “suddenly re-emerged into Western politics and law in response to . . . 9/11”); Jules Lepoutre, *Citizenship Loss and Deprivation in the European Union (27 + 1)*, EUR. UNIV. INSTITUTE: ROBERT SCHUMAN CTR. FOR ADVANCED STUD. (2020).

reinforcing laws still in place from the World War II era.⁸ From 2000 to 2022, thirty-seven countries added new citizenship revocation laws related to national security or counter-terrorism,⁹ and just from 2016 to 2022, twenty-two Western states expanded their citizenship revocation powers.¹⁰ In total, as of 2025, around 143 state constitutions have legal language concerning citizenship revocation.¹¹ This shift follows a general pattern of the securitization of migration, which frames migration as a threat to a state's national security.¹²

On one hand, there are states like Bosnia & Herzegovina. After pressure from the international community to adopt stricter counter-terrorism efforts, the state's parliament changed the mandate of the Citizenship Review Commission—a post-war body that reviews naturalizations—to solely reviewing and revoking the citizenships of former mujahedin.¹³ By contrast, other states have expressly rejected shifts towards these policies and laws. For instance, the United States Congress has repeatedly declined to enact citizenship revocation legislation,¹⁴ and public opposition in France criticized a proposed law authorizing citizenship revocation for dual-citizens as unconstitutional and a betrayal of the Republic's values.¹⁵

Two states have gone notably further than many others: the United Kingdom and Denmark. Since 2001, both states have adopted expansive citizenship revocation laws and policies that confer broad discretion on the government to decide who may be deprived of citizenship, and when and how deprivation occurs. The U.K. and Denmark not only highlight the overwhelming scope of

8. See VAN DER BAAREN ET AL., *supra* note 7, at 4–5; Shai Lavi, *Punishment and the Revocation of Citizenship in the United Kingdom, United States, and Israel*, 13.2 NEW CRIM. L. R. 404, 408 (2010) (“[T]he United Kingdom, the United States, and Israel . . . have rejected the traditional common law notion of ‘breach of allegiance’ and have introduced new rules for the revocation of citizenship.”).

9. VAN DER BAAREN ET AL., *supra* note 7, at 5.

10. PRENER, DENATIONALISATION, *supra* note 5, at 3.

11. THE CONSTITUTE PROJECT, +“Topic: Conditions for revoking citizenship” +“Status: In Force” +“Status: Draft”, 143 results (Apr. 13, 2026), <https://www.constituteproject.org/constitutions?key=citrev> [<https://perma.cc/MPM6-M6G7>]; see also David J. Trimbach & Nicole Reiz, *Unmaking Citizens: The Expansion of Citizenship Revocation in Response to Terrorism* (Ctr. for Migration Stud., Jan. 2018) (explaining the varying forms of citizenship revocation provisions in constitutions).

12. See Birnie & Bauböck, *supra* note 2, at 266; Jef Huysmans, *The European Union and the Securitization of Migration*, 38 J. COMMON MKT. STUD. 751, 752–58 (2000); Audrey Macklin, *Citizenship Revocation, the Privilege to Have Rights and the Production of the Alien*, 40 QUEEN'S L. J. 1, 30 (2014–2015) [hereinafter Macklin, *Citizenship*]; Audrey Macklin, *The Securitization of Dual Citizenship*, in DUAL CITIZENSHIP GLOB. PERSP. 42, 42–44 (Thomas Faist & Peter Kivisto eds., 2007) [hereinafter Macklin, *Securitization*].

13. See Stephanie Zosak, *Revoking Citizenship in the Name of Counterterrorism: The Citizenship Review Commission Violates Human Rights in Bosnia and Herzegovina*, 8 NW. J. INT'L HUM. RTS. 216, 216 (2010).

14. See Peter J. Spiro, *Terrorist Expatriation: All Show, No Bite, No Future*, in DEBATING TRANSFORMATIONS OF NATIONAL CITIZENSHIP 173, 175 (Rainer Bauböck ed., 2018) (explaining the failure of the proposed 2010 Terrorist Expatriation Act, which would have significantly expanded grounds for citizenship revocation on national security and terrorism grounds).

15. See Angelique Chrisafis, *Hollande Accused of ‘Betraying Republic’ over Dual-Nationality Plan*, THE GUARDIAN (Dec. 24, 2015), <https://www.theguardian.com/world/2015/dec/24/hollande-accused-betraying-republic-dual-nationality-plan> [<https://perma.cc/S6QK-M8QL>]; Birnie & Bauböck, *supra* note 2, at 270.

governmental power in the name of national security,¹⁶ but also illustrate how a state's guarantee of rights and equal treatment of its citizens can change as a result.¹⁷ The practice of citizenship revocation is deeply intertwined with a state's conception of "citizenship" and with its guarantee of constitutional rights; thus, a forceful citizenship revocation policy that unequally weakens "citizenship" may signal a broader vulnerability to democratic erosion.¹⁸

To examine how the practice of citizenship revocation not only changes but intrinsically devalues "citizenship," this note will begin by examining citizenship as defined by two frameworks: (1) citizenship as a right versus a privilege, and (2) as four models of citizenship as security, a social contract, an ethnonational bond, and a civic duty. Next, it will consider how competing definitions of citizenship fit into the notion of citizenship revocation, ultimately changing the state's relationship with the entire citizenry. Following, it will look at the status of citizenship revocation in international law and European law, noting its emphasis on the reduction of statelessness. Then, this note will conduct a case study on the United Kingdom's citizenship revocation policy, analyzing its unwritten constitution and approach to rights protections; the evolution of citizenship revocation laws; and the case of British-born Shamima Begum. Subsequently, it will shift to Denmark, similarly looking at the state's constitution, laws on citizenship revocation, and the case of Danish-born Adam Johansen. Given the scope of this note, it does not address the significant procedural or due process concerns of revocation proceedings;¹⁹ as well as whether revocation of Danish citizenship leads to the loss of European Union citizenship.²⁰ By examining and comparing how the

16. See also Joseph W. Dellapenna, *Constitutional Citizenship Under Attack*, 61.3 VILL. L. REV. 477, 494 (2016) (explaining how citizenship revocation depends on the government's conception of terror, "presumably they would not apply [citizenship revocation for terrorism] against wholly domestic, right-wing terrorists").

17. See also Tom Ginsburg & Mila Versteeg, *The Bound Executive: Emergency Powers During the Pandemic*, 19 INT'L J. CONST. L. 1498, 1503–04 (2021) (explaining government powers during emergency situations).

18. See Trimbach & Reiz, *supra* note 11 ("By weakening citizenship, states erode democratic institutions, systems, processes, and principles.")

19. See, e.g., Cassandra Burke Robertson & Irina D. Manta, *(Un)Civil Denaturalization*, 94 N.Y.U. L. REV. 402 (2019); Francesco Luigi Gatta, *The If and the How: Losing the EU Citizenship, but with Due Regard to the Due Process of (EU) Law*, 9 EUR. PAPERS 131 (2024); Julie Coleman & Joana Cook, *Shamima Begum, Citizenship Revocation and the Question of Due Process*, INTERNATIONAL CENTRE FOR COUNTER-TERRORISM (July 17, 2020), <https://icct.nl/publication/shamima-begum-citizenship-revocation-and-question-due-process> [<https://perma.cc/9S9B-C7P7>]; Tanya Mehra, *Deprivation of Nationality after a Terrorist Conviction: The Uncomfortable Truth*, INT'L CTR. FOR COUNTER-TERRORISM (Apr. 5, 2024), <https://icct.nl/publication/deprivation-nationality-after-terrorist-conviction-uncomfortable-truth> [<https://perma.cc/ZCR4-YFNM>]; Louise Reyntjens, *Citizenship Deprivation under the European Convention-System: A Case Study of Belgium*, 1 STATELESSNESS & CITIZENSHIP REV. 263 (2019).

20. See generally William Thomas Worster, *European Union Citizenship and the Unlawful Denial of Member State Nationality*, 43 FORDHAM INT'L L. J. 767 (2020) (arguing that even where an EU Member State denies nationality, the affected individual can still claim EU citizenship); Sara Poli & Luigi Lonardo, *Limits to Deprivation of National Citizenship under European Union Law: The Case of Foreign Terrorist Fighters and the Right to be Readmitted into the EU for Their Children*, 26 GERMAN L. J. 43 (2025); see also DIETER GOSEWINKEL, *STRUGGLES FOR BELONGING: CITIZENSHIP IN EUROPE, 1900-2020*, at 388–418 (2021); Carlota Rigotti & Júlia Zomignani Barboza, *Unfolding the Case of Returnees: How the European Union and Its Member States Are Addressing the Return of Foreign*

U.K. and Denmark conceptualize rights and citizenship, as well as how their growing reliance on revocation alters “citizenship,” this note will argue that it ultimately devalues it on unequal racialized grounds and makes the state vulnerable to democratic erosion.

II. DEFINING “CITIZENSHIP”

Citizenship has historically drawn both a legal and a communal line—a legal “marker between ‘us’ and ‘them,’” and a signifier of membership to a community with shared solidarities.²¹ In Western liberal democracies, citizenship has also been described as the heart of the democratic constitutional structure: “citizens are ‘the *who* that makes the constitution, the *for whom* it is made, and the *to whom* it is addressed.’”²² There are primarily two frameworks for understanding citizenship: citizenship as a right or a privilege, and citizenship as one of four models—citizenship as security, a social contract, an ethnonational bond, and a civic duty.²³

A. *Citizenship as a Right or a Privilege*

Historically, citizenship and its benefits have generally been viewed as a conditional privilege—with the common law tradition that citizens owe a duty of allegiance to the state, and state sovereignty allowing states to punish breaches through actions like banishment or disenfranchisement.²⁴ Until the first half of the twentieth century, breach of allegiance was still considered grounds for citizenship revocation in many states.²⁵

With this, citizenship-as-privilege turns on the idea that the privilege “emanates from the patron”—the government—and can be “rescinded from an undeserving beneficiary”—the citizen—based on the patron’s discretion.²⁶ In other words, citizenship status is used as a “tool to reward and punish, and thereby control, citizens.”²⁷ This conceptualization aligns with the notion of

Fighters and Their Families, 103 INT’L REV. RED CROSS 681 (2021); Rainer Bauböck & Vesco Paskalev, *Cutting Genuine Links: A Normative Analysis of Citizenship Deprivation*, 30 GEO. IMMIGR. L. J. 47, 90–102 (2016).

21. Peter J. Spiro, *Expatriating Terrorists*, 82 FORDHAM L. REV. 2169, 2181 (2014); Masters & Regilme, *supra* note 2, at 342 (“Capitalizing on fears and insecurities regarding terrorism, the state employed the rhetoric of ‘Us vs Them,’ ‘with us or against us’ as a legitimization of breaching basic human rights”); GOSEWINKEL, *supra* note 20, at 421 (“Citizenship has always been a membership status constituted in terms of inside and outside, of inclusion and exclusion.”).

22. Rachel Pougnet, *Citizenship Deprivation in the Courts: Unveiling States’ Constitutional Structures*, 19.3 EUR. CONST. L. REV. 415, 418 (2023). *See also* GOSEWINKEL, *supra* note 20, at 350, 431 (“Citizenship and human rights were at the heart of constitutions in the new Europe.”).

23. Lavi, *supra* note 8, at 404.

24. *See* Macklin, *Citizenship*, *supra* note 12, at 7; Lavi, *supra* note 8, at 406; *Hirst v. United Kingdom* (No. 2), 42 EUR. CT. H.R. 41, ¶ 69 (2005) (joint concurring opinion of Judges Tulkens and Zagrebelsky) (holding that the right to vote is a right and that the historical analogue of civic death of a convicted prisoner is incompatible with the European Convention on Human Rights).

25. Lavi, *supra* note 8, at 408.

26. *See* Macklin, *Banishment*, *supra* note 2, at 165.

27. *Think Immigration: Citizenship as a Weapon: Is Denaturalization an Increasing Threat?*, AM. IMMIGR. L. ASS’N. (Sept. 2, 2025), <https://www.aila.org/library/think-immigration-citizenship-as-a-weapon-is-denaturalization-an-increasing-threat> [https://perma.cc/D436-R54F]. *See also* Andrew

citizenship as a contract: a “citizen pledges allegiance to the sovereign in exchange for the sovereign’s protection,” where disloyalty breaches the contract and results in rescission.²⁸ Professor Audrey Macklin highlights that while viewing citizenship as a privilege may be societally positive, the privilege *legally* does not belong to the beneficiary but the patron who bestows it—and thus, the patron retains the power to take it away.²⁹

By contrast, citizenship-as-right makes the citizen the rights-bearer.³⁰ As scholar Alison Kesby explains, citizenship-as-right rests on the notion that citizenship is “a status of equality conferred on all without differentiation.”³¹ This construction of citizenship views it as being “independent of perceived moral worth,” and thus not revocable for misbehavior.³²

In interpreting laws and constitutions as well as in justifying states’ approaches, various actors have framed citizenship through these two competing lenses. In the United States Supreme Court case *Afroyim v. Rusk*, where the Court held that U.S. citizens may not be involuntarily deprived of their citizenship, Justice Hugo Black posited that the Court “does no more than to give to this citizen that which is *his own*, a constitutional right to remain a citizen in a free country unless he voluntarily relinquishes that citizenship.”³³ The Court, in *Trop v. Dulles*, similarly explained that “citizenship is not a license that expires on misbehavior.”³⁴ In contrast, in 2010, the U.S. Secretary of State Hillary Clinton asserted that “United States citizenship is a privilege . . . not a right.”³⁵ Similarly, the U.K.’s Home Secretary Theresa May stated in 2013 that “British citizenship is a privilege, not a right”;³⁶ and in 2014, the Canadian Citizenship and Immigration Minister echoed that “citizenship is not a right, it is a privilege.”³⁷ These two perspectives ultimately represent the differing constitutional approaches to “citizenship”: citizenship as an “inalienable, irrevocable, and unconditional” constitutional *right*, or a *privilege* that can be stripped away at the government’s discretion.³⁸

Nachemson, ‘Using citizenship as a weapon’ Myanmar military targets critics, AL JAZEERA (Apr. 20, 2022), <https://www.aljazeera.com/news/2022/4/20/citizenship-as-a-weapon-myanmar-military-targets-critics> [https://perma.cc/EF9S-9LMT].

28. See Macklin, *Banishment*, *supra* note 2, at 166; J. M. Spectar, *To Ban or Not to Ban an American Taliban? Revocation of Citizenship and Statelessness in a Statecentric System*, 39 CAL. W. L. REV. 263, 276 (2003) (explaining that Jean-Jacques Rousseau and Immanuel Kant’s view of citizenship as consent underpins the modern philosophical grounding of citizenship).

29. See Macklin, *Citizenship*, *supra* note 12, at 53.

30. See Macklin, *Banishment*, *supra* note 2, at 166.

31. ALISON KESBY, THE RIGHT TO HAVE RIGHTS: CITIZENSHIP, HUMANITY, AND INTERNATIONAL LAW 69 (2012).

32. *Id.* at 72.

33. *Afroyim v. Rusk*, 387 U.S. 253, 268 (1967) (emphasis added).

34. Macklin, *Banishment*, *supra* note 2, at 165; *Trop v. Dulles*, 356 U.S. 86, 92 (1958).

35. Charlie Savage & Carl Hulse, *Bill Targets Citizenship of Terrorists’ Allies*, N.Y. TIMES (May 6, 2010), <https://www.nytimes.com/2010/05/07/world/07rights.html> [https://perma.cc/XXL8-UXQY].

36. FRANCES WEBBER, CITIZENSHIP: FROM RIGHT TO PRIVILEGE 10 (Inst. of Race Rel., Sept. 11, 2022).

37. Susana Mas, *New Citizenship Rules Target Fraud, Foreign Terrorism*, CBC (Sept. 25, 2015), <https://www.cbc.ca/news/politics/new-citizenship-rules-target-fraud-foreign-terrorism-1.2525404> [https://perma.cc/6RRZ-MDL].

38. See WEBBER, *supra* note 36, at 10.

B. *The Four Models of Citizenship*

Professor Shai Lavi has created a different framework for analyzing citizenship revocation. He suggests that revocation laws are rooted in national conceptions of citizenship, proposing four distinct models of citizenship: citizenship as security, as a social contract, as an ethnonational bond, and as a civic duty.³⁹

“Citizenship as security” views revocation as a way to manage security risks and envisions citizenship as an otherwise irrevocable right to reside in the state—mirroring the securitization of migration. Citizenship revocation functions as a risk management tool, rather than as a punishment for a breach of duty or disloyalty to the state. Some scholars have built on this notion of citizenship revocation as a means of furthering national security. For instance, Macklin argues that this theory fits into the concept of citizenship as a contract.⁴⁰ Under this theory, the state’s provision of rights benefits not just the individual subject to the revocation, but the collective political body that similarly holds contracts with the government, thus justifying revocation to benefit the collective good and the masses.⁴¹ Lavi categorizes the British Nationality, Immigration, and Asylum Act as encapsulating citizenship as security.⁴²

Lavi additionally posits “citizenship as a social contract,” which is based on the “notion that just as citizens become citizens only through their . . . consent, so too, they cannot be stripped of their citizenship without their consent.”⁴³ Consequently, under this model, revocation is prohibited absent the individual’s consent. Lavi views this concept as encapsulated in Chief Justice Warren’s dissent in the U.S. Supreme Court case *Perez v. Brownell*, concerning the citizenship revocation of a naturalized citizen who voted in a foreign election. Chief Justice Warren wrote:

This Government was born of its citizens, it maintains itself in a continuing relationship with them, and, in my judgment, it is without power to sever the relationship that gives rise to its existence. I cannot believe that a government conceived in the spirit of ours was established with power to take from the people their most basic right.⁴⁴

Under this model, citizenship revocation is not a weapon that the government can use when a citizen misbehaves—rather, citizenship is a “fundamental right.”⁴⁵

39. Lavi, *supra* note 8, at 408.

40. See Audrey Macklin, *Sticky Citizenship*, in *THE HUMAN RIGHT TO CITIZENSHIP: A SLIPPERY CONCEPT* 232 (Rhoda E. Howard-Hassmann & Margaret Walton-Roberts eds., 2015).

41. See *id.*; Masters & Regilme, *supra* note 2, at 345.

42. Lavi, *supra* note 8, at 411–12.

43. *Id.* at 413.

44. *Id.* at 414.

45. *Id.* at 415; see *Perez v. Brownell*, 356 U.S. 44, 64 (1958) (Warren, J., dissenting).

“Citizenship as an ethnonational bond” is based on the notion that individuals who are not members of the dominant ethnic group may be citizens, but their allegiance to the state is suspect. The threat that these individuals “pose is not to national security, at least not primarily so, but rather to national solidarity, with which only one ethnic group is identified.”⁴⁶ Lavi cites Israel’s Nationality Law as an example of citizenship as an ethnonational bond, expressly applied unequally and tends to distinguish between Jewish and Arab Israelis.⁴⁷

Lastly, Lavi suggests a civic model of citizenship, where citizenship consists of both rights and duties—primarily, the duty of allegiance not to the sovereign nor the ethnic community, but to the political community of equal citizens.⁴⁸ Citizenship can only be revoked when this duty is breached; and because the duty is a commitment to self-government and the community, “only an act intended to undermine the power of self-government, namely, a violent overthrow of the government, can constitute a breach of civic allegiance.”⁴⁹ As this model treats “citizenship” as a political rather than a natural right, a breach can lead to revocation.⁵⁰ Lavi finds that no state’s conception of citizenship fits into this model.

As Lavi posits that citizenship-as-privilege serves different domestic legal and societal goals, it frames revocation not just as an act that impacts the individual but also the community as a whole. It similarly underscores the notion that citizenship is not merely *individual*, but rather related to, and defined in terms of, one’s community as a democratic body.

III. THE “CITIZENSHIP” IN CITIZENSHIP REVOCATION

Citizenship revocation—also commonly known as “denationalization” or “citizenship deprivation”—refers to the involuntary loss of formal citizenship.⁵¹ Revocation is often called “denaturalization,” which specifically concerns the involuntary loss of a citizenship acquired through naturalization.⁵² This is contrasted with the language describing the voluntary loss of citizenship, such as the “renunciation of nationality.”⁵³ In this context, it is a legal counter-terrorism technique that targets individuals whom the state deems to be dangerous or disloyal, or who pose a risk to national security, rather than

46. Lavi, *supra* note 8, at 417.

47. *Id.* at 418.

48. *Id.* at 423.

49. *Id.*

50. *Id.* at 424.

51. See Macklin, *Banishment*, *supra* note 2, at 164.

52. See Birnie & Bauböck, *supra* note 2, at 266–67; Christian Penichet-Paul, *Denaturalization: Fact Sheet*, NAT’L IMMIGR. F. (July 14, 2025), <https://forumtogether.org/wp-content/uploads/2025/07/Denaturalization-Fact-Sheet.pdf> [<https://perma.cc/E6S4-BQB2>].

53. Birnie & Bauböck, *supra* note 2, at 266–67; Luuk van der Baaren & Maarten Vink, *Modes of Acquisition and Loss of Citizenship Around the World* 32–33 (Robert Schuman Ctr. for Advanced Stud., Working Paper, 2021); Bauböck & Paskalev, *supra* note 20, at 53–60 (explaining in-depth how voluntary and involuntary loss differ).

on alternative grounds, such as acquisition by fraud.⁵⁴ As it involves the state non-consensually stripping the individual of citizenship, it manifests citizenship-as-privilege and, typically, at least on its face, as security.

Citizenship revocation fundamentally alters the state's relationship with the affected individual and the entire population, which is now acutely aware that their own citizenship is fragile, thus putting the entire concept of "citizenship" in jeopardy.

One conception of citizenship is that it signifies the *right to enter and remain*; thus, by stripping the individual of their citizenship and deporting them, or refusing their return, this singular trait is terminated.⁵⁵ Citizenship revocation may also be rooted in the theory that citizenship is "the right to have rights"⁵⁶ and that "human rights flow from citizenship."⁵⁷ With this, deprivation denies "unwanted individuals" all the protections that citizenship status entails—denying them not only the individual rights that come with citizenship, but the state's willingness and duty to protect and defend the individual.⁵⁸ Citizenship revocation has also been compared to the death penalty—with Italian jurist Cesare Beccaria writing in 1764, "banishment is the same as death in respect to the body politic."⁵⁹ This analogy to death is reflected in the policies of several states that prohibit the use of drone strikes to kill their own citizens, yet permit such lethal action once an individual's citizenship has been revoked.⁶⁰

54. See Macklin, *Banishment*, *supra* note 2, at 164; Pougnet, *supra* note 22, at 415; Mehra, *supra* note 19.

55. Macklin, *Banishment*, *supra* note 2, at 164, 166.

56. See Masha Gessen, "The Right to Have Rights" and the Plight of the Stateless, *THE NEW YORKER* (May 3, 2018), <https://www.newyorker.com/news/our-columnists/the-right-to-have-rights-and-the-plight-of-the-stateless> [<https://perma.cc/LGE7-U8U5>]; Shiva Jayaraman, *International Terrorism and Statelessness: Revoking the Citizenship of ISIL Foreign Fighters*, 17 *CHI. J. INT'L L.* 178, 189–90 (2016); Leila Faghfour Azar, *Hannah Arendt: The Right to Have Rights*, *CRITICAL LEGAL THINKING* (July 12, 2019), [https://perma.cc/5P6U-C3WM](https://criticallegalthinking.com/2019/07/12/hannah-arendt-right-to-have-rights/)]; Patrick Hayden, *From Exclusion to Containment: Arendt, Sovereign Power, and Statelessness*, 3 *SOCIETIES WITHOUT BORDERS* 248, 256–57 (2009).

57. KESBY, *supra* note 31, at 5.

58. Lenard, *supra* note 6, at 74 (quoting, in part, Lavi, *supra* note 8, at 409). See also Reyntjens, *supra* note 19, at 270 ("[W]hile human rights are granted because of one's quality of being human . . . those who enjoy the right to a nationality have greater access to the enjoyment of various other human rights."); Leslie Esbrook, *Citizenship Unmoored: Expatriation as a Counter-Terrorism Tool*, 37 *U. PA. J. INT'L L.* 1273, 1295–1300 (2016) (arguing that while citizenship confers few unique protections, expatriation in fact strips a substantial bundle of rights, particularly procedural safeguards, social liberties, international legal standing, and the state's enduring obligation to protect and defend the individual, even if it does little to deter the underlying conduct it targets).

59. See Macklin, *Citizenship*, *supra* note 12, at 7–8. ("A citizen stripped of nationality and banished from the territory is, for all intents and purposes, dead to the state."); CESARE BECCARIA, *ON CRIMES AND PUNISHMENTS* 46 (1764) ("[D]eath and a banishment of this kind are the same thing as far as the body politic is concerned").

60. See Sangeetha Pillai & George Williams, *The Utility of Citizenship Stripping Laws in the UK, Canada, and Australia*, 41.2 *MELBOURNE U. L. REV.* 845, 887 (2017) (describing how several states prohibit targeting their own citizens with drone strikes yet have permitted such lethal action after citizenship revocation, effectively removing diplomatic protection, limiting accountability, and leaving individuals vulnerable to detention, deportation, and death); Birnie & Bauböck, *supra* note 2, at 267 ("[D]enationalisation is sometimes applied precisely as a way of transforming someone from a non-deportable citizen into a deportable non-citizen.").

IV. THE STATUS OF CITIZENSHIP REVOCATION IN INTERNATIONAL AND EUROPEAN LAW

International and European multilateral legal agreements and norms have significantly shaped how states approach citizenship revocation, primarily regarding statelessness.

A. *International Treaty Law*

Article 15 of the Universal Declaration of Human Rights (UDHR) provides that “everyone has a right to a nationality,” and that “no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.”⁶¹ Reminiscent of the notion that citizenship is “the right to have rights,” the Office of the UN High Commissioner for Human Rights views violations of Article 15, the right to a nationality, as conducive to violations of a broad range of other rights.⁶² Notably, arbitrary deprivation under Article 15 has been found not to extend to citizenship revocation on national security or terrorism grounds, and rather concerns primarily procedural protections.⁶³

Additionally, the United Nations Convention on the Reduction of Statelessness enshrines stricter guidelines governing citizenship revocation.⁶⁴ Arising in the 1960s as a response to mass citizenship revocations during World War II,⁶⁵ it aims to recognize the right to security of residence as a basic human right.⁶⁶ Article 9 outright prohibits citizenship revocation for individuals or groups based on racial, ethnic, religious, or political grounds.⁶⁷ Articles 5 to 8 prohibit denationalization when it results in statelessness, with two exceptions: citizenship revocation that creates statelessness is permitted if the citizenship was obtained by fraud, or the individual “conducted himself in a manner seriously prejudicial to the vital interests of the state.”⁶⁸ The UN has interpreted the terms “seriously prejudicial” and “vital interest” to mean conduct that “threaten[s] the foundations and organization of the State,”⁶⁹ rather than conduct that merely implicates “national interests.”⁷⁰ Ordinary

61. G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 15 (Dec. 10, 1948); *see also* Macklin, *Citizenship*, *supra* note 12, at 10 (noting Article 15 of the UDHR and its lack of defined addressee and ambiguity regarding arbitrariness).

62. *See UDHR@75*, GLOBAL JUSTICE BLOG, UNIV. OF EDINBURGH (Dec. 7, 2023), <https://blogs.ed.ac.uk/globaljusticeacademy/2023/12/07/udhr75-right-to-a-nationality/> [<https://perma.cc/XES9-9G6H>].

63. *See* Macklin, *Citizenship*, *supra* note 12, at 13; BARBARA VON RÜTTE, *THE HUMAN RIGHT TO CITIZENSHIP* 96 (2022); Jayaraman, *supra* note 56, at 193–94.

64. Convention on the Reduction of Statelessness, 989 U.N.T.S. 175 (entered into force Dec. 13, 1975). *See* Macklin, *Citizenship*, *supra* note 12, at 13.

65. *See* Lenard, *supra* note 6, at 75.

66. *See id.*

67. Convention on the Reduction of Statelessness, *supra* note 64, art. 9.

68. *Id.* art. 5–8.

69. Luca Bücken & René de Groot, *Deprivation of Nationality under Article 8(3) of the 1961 Convention on the Reduction of Statelessness*, 25.1 MAASTRICHT J. EUR. & COMPAR. L. 1, 38, 46 (2018).

70. Jayaraman, *supra* note 56, at 195.

criminal conduct does not rise to the level of the exception—instead, it must be a more serious crime that is seriously prejudicial “towards the state,” such as espionage, treason, or a “violation of the duty of loyalty.”⁷¹ Terrorist acts may be considered to fall within the scope of the exception, but it remains unclear and fact-dependent.⁷² The U.K. and Denmark are parties to both agreements.

B. *European Law*

The European Convention on Nationality (“ECN”) is viewed as the most comprehensive treaty on citizenship.⁷³ It prohibits revocation when the individual would become stateless, except where “citizenship was acquired by fraud, misrepresentation, or concealment.”⁷⁴ It also generally prohibits revocation of citizenship for individuals with more than one citizenship, subject to several exceptions, including for “conduct seriously prejudicial to the vital interests of the State.”⁷⁵ While Denmark is a party to the ECN, the U.K. is not and does not intend to ratify it.⁷⁶

The European Convention on Human Rights (“ECHR”) does not explicitly reference the right to citizenship, but it has been found in Article 8’s guarantees of the right to respect for privacy, family life, home, and correspondence.⁷⁷ The European Court of Human Rights (“ECtHR”)⁷⁸ has found that arbitrary denials of citizenship may rise to an Article 8 violation because “the loss of citizenship already acquired or born into can have the same (and possibly a bigger) impact on a person’s private and family life.”⁷⁹ In evaluating Article 8 challenges to citizenship deprivation, the Court uses a two-pronged

71. *Id.*

72. *See id.* at 195, 205 (explaining how terrorist acts may fail the exception, depending on the definition of terrorism under domestic law); Bücken & de Groot, *supra* note 69, at 45–46.

73. VON RÜTTE, *supra* note 63, at 157; *see generally* Rainer Hofmann, *Denaturalization and Forced Exile*, MAX PLANCK ENCYCLOPEDIA OF INTERNATIONAL LAW (Jan. 2020).

74. Macklin, *Citizenship*, *supra* note 12, at 14.

75. European Convention on Nationality, Nov. 6, 1996, E.T.S. No. 166 (entered into force Mar. 1, 2000); *see also* Kay Hailbronner, *Revocation of Citizenship of Terrorists: A Matter of Political Expediency*, in *DEBATING TRANSFORMATIONS OF NATIONAL CITIZENSHIP 197* (Rainer Bauböck ed., 2018); Jayaraman, *supra* note 56, at 197.

76. European Convention on Nationality, *supra* note 75.

77. *See* Samuel Hartwig & Maria Martha Gerdes, *Anything Goes? The Permissive Approach of the ECtHR towards Deprivation of Nationality and Subsequent Expulsion in the Fight against Terrorism*, VERFASSUNGSBLOG (Apr. 2, 2022), <https://verfassungsblog.de/anything-goes/> [<https://perma.cc/VAG4-PZWT>]; Branko Lubarda, *Recent Migration Case-law of the European Court of Human Rights with Focus on Socio-economic Deprivation*, 2 EUR. J. RTS. & LIBERTIES 429, 446–47 (2023); EUR. CT. H.R., *GUIDE ON ARTICLE 8 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS 36* (2017); *see also* EUR. CT. H.R., *GUIDE ON ARTICLE 3 OF PROTOCOL NO. 4 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS 8–9* (Aug. 31, 2025) (describing Article 3’s prohibition on states from expelling their own nationals from their territory); Dana Schmalz, *Migrants’ Rights Before the European Court of Human Rights*, VERFASSUNGSBLOG (Dec. 7, 2025), <https://verfassungsblog.de/migrants-rights-before-the-european-court-of-human-rights/> [<https://perma.cc/SYA6-B6FV>] (explaining that Article 3 also protects against revocation, preventing expulsion that may result in torture or imprisonment).

78. GOSEWINKEL, *supra* note 20, at 388–90 (explaining the ECtHR).

79. VON RÜTTE, *supra* note 63, at 165 (quoting *Ramadan v. Malta*, App. No. 76136/12 (June 21, 2016)).

approach: (1) whether the revocation was procedurally “arbitrary,”⁸⁰ and (2) “whether the effects of the deprivation of nationality on the private [and family] life of the person concerned are proportionate.”⁸¹ “Private life” includes the totality of “the network of personal, social and economic relations . . . developed ‘since birth.’”⁸² The ECtHR is generally deferential to states in revocation cases, especially in those concerning national security and foreign terrorism.⁸³ Both the U.K. and Denmark are parties to the ECHR and subject to the jurisdiction of the ECtHR.

V. CASE STUDY: THE UNITED KINGDOM

A. *British Constitutional Law*

The U.K. has an unwritten constitution, meaning that there is no single authoritative text constituting a “higher law”; rather, it is composed of a combination of various pieces, such as acts of Parliament and judicial decisions.⁸⁴ A key principle in the British constitutional structure is the concept of parliamentary sovereignty—the Parliament is the country’s supreme legal authority.⁸⁵ Within this framework, the Human Rights Act of 1998 (“HRA”), which incorporated the ECHR into domestic British law, serves as the primary vehicle of rights and represents constitutional protections for human rights.⁸⁶

B. *British Statutory Law*

There has been a seismic shift in citizenship revocation statistics and policies in the U.K. over the past several decades.⁸⁷ Only ten Britons had their

80. While this paper will not explore Art. 8’s procedural guarantees, they are notable. See Poli & Lonardo, *supra* note 20, at 46–48; EUR. CT. H.R., *Factsheet — Deprivation of Citizenship* (Nov. 2023), https://www.echr.coe.int/documents/d/echr/fs_citizenship_deprivation_eng [<https://perma.cc/6Z94-4PGK>].

81. Hartwig & Gerdes, *supra* note 77; see also *Deprivation of Nationality as a National Security Measure: An Assessment of the Compliance of the Netherlands with International Human Rights Standards*, INST. ON STATELESSNESS AND INCLUSION 9–11 (2020), https://files.institutesi.org/Deprivation_of_nationality_under_Dutch_law_and_practice.pdf [<https://perma.cc/H7CJ-7NR4>]; Reyntjens, *supra* note 19, at 264–68.

82. See Sylvie Da Lomba, *Vulnerability and the Right to Respect for Private Life as an Autonomous Source of Protection against Expulsion under Article 8 ECHR*, 6 *LAWs* 1, 3–5 (Dec. 2017).

83. VON RÜTTE, *supra* note 67, at 167; Poli & Lonardo, *supra* note 20, at 46–48; Reza Khabook, El Aroud and Soughir v. Belgium, *Why the ECtHR Should Rethink Citizenship Revocation as a Criminal Punishment?*, STRASBOURG OBSERVERS (Apr. 25, 2025), <https://strasbourgobservers.com/2025/04/25/el-aroud-and-soughir-v-belgium-why-the-ecthr-should-rethink-citizenship-revocation-as-a-criminal-punishment/> [<https://perma.cc/Z6FB-659M>].

84. See Jane Pek, *Things Better Left Unwritten?: Constitutional Text and the Rule of Law*, 83 *NYU L. REV.* 1979, 1982–83, 1991 (2008).

85. Michael Foran, *Parliamentary Sovereignty and the Politics of Law-making*, UK CONST. L. ASS’N (Oct. 18, 2021), <https://ukconstitutionallaw.org/2021/10/18/michael-foran-parliamentary-sovereignty-and-the-politics-of-lawmaking/> [<https://perma.cc/FHB2-55JB>].

86. See *Why the UK Needs Human Rights*, HUM. RTS. WATCH (Sept. 13, 2017), <https://www.hrw.org/news/2017/09/13/why-uk-needs-human-rights> [<https://perma.cc/6TRV-HWVM>]; Chetan Trivedi, *The Unwritten Constitution Provides Greater Opportunities for Human Rights: A Comparative Analysis of the Constitution of India and U.K.*, 4 *INT’L J.L. MGMT. & HUMAN.* 1611, 1618 (2021).

87. See Lenard, *supra* note 6, at 77; Bobbie Mills, *Citizenship Deprivation: How Britain Took the Lead on Dismantling Citizenship*, EUROPEAN NETWORK ON STATELESSNESS (Mar. 3, 2016),

citizenship revoked between 1949 and 1973; none had their citizenship revoked between 1973 and 2001,⁸⁸ and from 2010 to 2022, an estimated 220 British citizens had their citizenship stripped, namely on national security grounds.⁸⁹

In 1981, the British Parliament adopted the British Nationality Act (“BNA”), which prohibited revocation that rendered an individual stateless.⁹⁰ In 2002, the Nationality, Immigration, and Asylum Act (“NIAA”) was enacted to allow revocation for persons whose conduct is “seriously prejudicial to the [state’s] vital interests.”⁹¹ Following the 7/7 London bombings in 2005, Parliament passed NIAA 2005, which allowed the Home Secretary to likewise revoke British citizenship when she believed “deprivation is conducive to the public good.”⁹²

Despite NIAA 2005’s broad mandate, it was heavily limited by the governing BNA, and the British Parliament subsequently amended the BNA through the 2014 Immigration Act. With this, the Home Secretary is able to use revocation on individuals who only have British citizenship, provided the Home Secretary has “reasonable grounds” to believe they are eligible to become a national of another state.⁹³ Per the Parliamentary Joint Committee on Human Rights’ guidance, revocation of mono-citizens is only intended to “[leave] individuals stateless . . . when they are abroad.”⁹⁴ Building on these expansions, the Nationality and Borders Act (“NBA”) was adopted in 2022, allowing the Home Secretary to revoke citizenship without prior notice to the individual on numerous grounds, such as notice being impractical or jeopardizing national security.⁹⁵

<https://www.statelessness.eu/updates/blog/citizenship-deprivation-how-britain-took-lead-dismantling-citizenship> [<https://perma.cc/9AEJ-9FKV>] (“Not only does Britain have the most developed legal deprivation powers among liberal democracies, it has also applied these powers much more liberally.”).

88. *Who Is Shamima Begum and How Can You Lose Your Citizenship?*, BBC (Mar. 25, 2024), <https://www.bbc.com/news/explainers-53428191> [<https://perma.cc/AYC9-ZXQ4>].

89. *Id.*; PRENER, DENATIONALISATION, *supra* note 5, at 166 (explaining the difficulty in calculating the exact number).

90. Masters & Regilme, *supra* note 2, at 346; Trimbach & Reiz, *supra* note 11.

91. See Trimbach & Reiz, *supra* note 11; GOSEWINKEL, *supra* note 20, at 385.

92. Masters & Regilme, *supra* note 2, at 346; Bernard Andonian, *UK Nationality and Borders Act: Impact on Citizenship Revocation*, GULBENKIAN ANDONIAN SOLICITORS (Oct. 21, 2024), <https://www.gulbenkian.co.uk/uk-nationality-borders-act-citizenship-revocation/> [<https://perma.cc/62G4-955G>] (explaining possible definitions of “public good,” including terrorism and war crimes); GOSEWINKEL, *supra* note 20, at 363 (noting the “underlying sentiment that British citizenship could no longer guarantee the fundamental loyalty of citizens”). See also Holly Evans & Albert Toth, *The 7/7 Bombings: How London’s Darkest Day Unfolded*, *Minute by Minute*, INDEPENDENT (July 6, 2025), <https://www.independent.co.uk/news/uk/crime/7-7-london-bombings-terror-attack-tube-timeline-b2783483.html> [<https://perma.cc/95LA-QCCR>] (explaining the events of the 7/7 bombings).

93. See Masters & Regilme, *supra* note 2, at 347; Trimbach & Reiz, *supra* note 11, at 7–8; Alison Harvey, *Burden of Proof in Statelessness Cases and the Meaning of “By Operation of its Law,”* EUR. NETWORK ON STATELESSNESS (Jan. 31, 2020), <https://www.statelessness.eu/updates/blog/burden-proof-statelessness-cases-and-meaning-operation-its-law> [<https://perma.cc/MNE4-RTV5>].

94. Hilary Stauffer, *Steps Towards Statelessness*, LSE HUM. RTS. BLOG (Aug. 1, 2014), <https://researchonline.lse.ac.uk/id/eprint/80309/> [<https://perma.cc/QW8T-8LJJ>].

95. See *Who is Shamima Begum and How Can You Lose Your Citizenship?*, *supra* note 88; Andonian, *supra* note 92; Webber, *supra* note 36, at 4.

Scholars have criticized the British citizenship revocation approach as undermining the legal framework for human rights found in the HRA, the ECHR, and UN treaties.⁹⁶ However, the U.K. justifies its approach by pointing to a reservation it made when ratifying the UN Convention on Statelessness in 1966: it maintained the right to revoke an individual's citizenship when he "conducted himself in a manner seriously prejudicial to the vital interests of Her Britannic Majesty."⁹⁷ More strikingly, as Prime Minister Theresa May emphasized in 2017, "if our human rights laws stop us from [protecting national security], we'll change the laws."⁹⁸

C. *Shamima Begum*

Shamima Begum was born in the U.K. to Bangladeshi parents, but had never visited or held a passport from Bangladesh.⁹⁹ At 15, she traveled to Syria to join the Islamic State ("IS").¹⁰⁰ Four years later, in 2019, she was found in the Syrian al-Hawl refugee camp and sought her return to the U.K.¹⁰¹ In response, the Home Secretary revoked her British citizenship, citing the "safety and security of Britain and the people who live [t]here."¹⁰² Despite the Home Secretary's assurance that it did not leave her stateless as she had a right to citizenship elsewhere, the government of Bangladesh denied that claim within days and stated that "Begum is not a Bangladeshi citizen. She is a British citizen by birth . . . there is no question of her being allowed to enter into . . . Bangladesh," and that this dispute had "nothing to do with" Bangladesh.¹⁰³

Begum has repeatedly appealed the Home Secretary's decision to revoke her citizenship in multiple legal proceedings, while in Syria.¹⁰⁴ In 2020, a tribunal ruled that revocation was lawful as she was a "citizen of Bangladesh by

96. See Lenard, *supra* note 6, at 77; Lizzie Dearden, *Shamima Begum: Number of people stripped of UK citizenship soars by 600% in a year*, INDEPENDENT (Feb. 20, 2019), <https://www.independent.co.uk/news/uk/home-news/shamima-begum-uk-citizenship-stripped-home-office-sajid-javid-a8788301.html> [<https://perma.cc/MH75-VJLD>] ("If the government . . . make[s] . . . Begum stateless, it is . . . a breach of international human rights law . . . [and] a failure to meet our security obligations to the international community."); *UK Borders Bill increases risks of discrimination, human rights violations*, UN NEWS (Jan. 14, 2022), <https://news.un.org/en/story/2022/01/1109792> [<https://perma.cc/U6X7-3U2C>] ("The bill . . . greatly increases risks of Statelessness, in violation of international law").

97. Worster, *supra* note 20, at 782. *But see* Francesca Gallelli, *Why Depriving Shamima Begum of her UK Citizenship Breaches International Law*, OXFORD HUM. RTS. HUB (Mar. 19, 2019), <https://ohrh.law.ox.ac.uk/why-depriving-shamima-begum-of-her-uk-citizenship-breaches-international-law/> [<https://perma.cc/VXC9-3F68>] (explaining that depriving people of their citizenship nonetheless violates the Convention).

98. Masters & Regilme, *supra* note 2, at 347.

99. See *Who is Shamima Begum and How Can You Lose Your Citizenship?*, *supra* note 88.

100. *Id.*

101. *Id.*

102. Masters & Regilme, *supra* note 2, at 350.

103. *Id.* at 347; Dearden, *supra* note 96.

104. Vebi Levni & Nicole Cumiskey, *Revocation of Shamima Begum's Citizenship: What Happened and What Comes Next?*, IRISH CTR. FOR HUM. RTS. BLOG (Apr. 24, 2025), <https://ichrgalway.org/2025/04/24/revocation-of-shamima-begums-citizenship-what-happened-and-what-comes-next/> [<https://perma.cc/MN3C-33XD>] (explaining how Begum has remained in Syria throughout this legal process, despite concerns about "fundamental fairness" and disadvantages).

descent,” and therefore the decision would not render her stateless.¹⁰⁵ In 2021, the Supreme Court of the U.K. rejected Begum’s request to return to the U.K. throughout the duration of the appeals process, highlighting that it is a national security determination in the Home Secretary’s discretion.¹⁰⁶ In 2023, Begum further challenged her revocation before the Special Immigration Appeals Commission on the basis that prior decision makers should have considered whether she was a victim of child trafficking.¹⁰⁷ The Commission held that while there was “credible suspicion” she was a victim of trafficking and sexual exploitation, it “did not stand in the way of the Home Secretary stripping her of British citizenship, as she had become a threat.”¹⁰⁸ In February 2024, the Court of Appeal upheld the Commission’s decision, noting that Begum “may well have been influenced and manipulated by others but still . . . made a calculated decision to travel to Syria and align with [IS].”¹⁰⁹ Begum appealed the Court of Appeal’s decision, and the Supreme Court affirmed. In response to her claim that ECHR Article 4—which prohibits slavery and forced labor—required deprivation decisions to consider whether the individual was a trafficking victim, the Supreme Court found that ECtHR case law did not require that consideration.¹¹⁰ Additionally, Begum argued that the deprivation left her “de facto stateless,” but the Court found that this claim did not raise an arguable point of law.¹¹¹

VI. CASE STUDY: DENMARK

A. *Danish Constitutional Law*

Denmark’s Constitution was adopted in 1849 and has been amended four times.¹¹² It is a constitutional monarchy, with three powers of government: the legislative, which is conjointly vested in the King and the Parliament; the executive; and judicial powers.¹¹³ The Constitution protects a plethora of rights, including personal liberty and freedom of religion,¹¹⁴ while also establishing the Evangelical Lutheran Church as the state church.¹¹⁵

105. *Who is Shamima Begum and How Can You Lose Your Citizenship?*, *supra* note 88.

106. *Id.*; Webber, *supra* note 36, at 19.

107. *Who is Shamima Begum and How Can You Lose Your Citizenship?*, *supra* note 88.

108. *Id.*

109. *Id.*

110. See Samara Baboolal, *UK Supreme Court Refuses Woman’s Application to Appeal Revocation of Citizenship*, JURIST NEWS (Aug. 9, 2024), <https://www.jurist.org/news/2024/08/uk-supreme-court-refuses-womans-application-to-appeal-revocation-of-citizenship/> [<https://perma.cc/3JPP-GM94>].

111. *Id.*

112. The Constitutional Act, DANISH PARLIAMENT, <https://www.thedanishparliament.dk/democracy/the-constitutional-act> [<https://perma.cc/B6EP-BTCH>] (last visited Apr. 24, 2026).

113. EVA ERSBØLL, REPORT ON CITIZENSHIP LAW: DENMARK, EUDO CITIZENSHIP OBSERVATORY 2, 39 (2015), <https://hdl.handle.net/1814/36504> [<https://perma.cc/L9JG-NCPD>].

114. See THE DANISH INSTITUTE FOR HUMAN RIGHTS, HUMAN RIGHTS IN DENMARK STATUS 2016-2017, 37, 55 (2017).

115. U.S. DEP’T OF STATE, OFF. INT’L RELIGIOUS FREEDOM, 2022 REPORT ON INT’L RELIGIOUS FREEDOM: DENMARK 1 (2023).

Notably, Denmark does not constitutionally protect citizenship;¹¹⁶ rather, the right to citizenship is statutorily granted.¹¹⁷ The only Constitutional article that touches on citizenship is Article 44, which has remained unamended since the Constitution's adoption and states that "no alien shall be naturalized except by Statute."¹¹⁸ There is no further indication, neither in the Constitution nor from the original Constitutional Assembly, on how the legislature should regulate naturalization.¹¹⁹ Statutorily, the right to Danish citizenship is primarily envisioned as based on blood, *jus sanguinis*, rather than soil, *jus soli*.¹²⁰

B. Danish Statutory Law

Denmark's statutory citizenship revocation scheme is stricter than those of the rest of Scandinavia, likely due to the numerous thwarted terror plots and one terrorist attack in the state since 2001.¹²¹

In 2002 and 2006, Denmark added terrorism provisions to its criminal code; in 2004, the Danish Parliament amended the Danish Nationality Act ("DNA") to permit citizenship deprivation on the grounds of a terrorism conviction.¹²² The DNA prescribes a proportionality analysis for revocation decisions: Danish courts assess the severity of the crime as compared to the impact of the revocation on the individual.¹²³ The statute prohibits citizenship revocation where it would render the individual stateless.¹²⁴ In cases where the person "holds no or . . . very vague ties to another state," even when it concerns "very serious crimes," the DNA prohibits deprivation and outlines

116. See PRENER, DENATIONALISATION, *supra* note 5, at 207.

117. See *Nazari v. Denmark*, OPEN SOC'Y JUST. INITIATIVE (2017), <https://www.justiceinitiative.org/litigation/nazari-v-denmark> [<https://perma.cc/7ML7-7T3U>]; see also ERSBØLL, *supra* note 113, at 42 (proposing that the Constitution be amended to include further constitutional protections for citizenship).

118. See *Constitutions Search*, THE CONSTITUTE PROJECT (last visited Apr. 13, 2026), <https://www.constituteproject.org/constitutions?key=citrev> [<https://perma.cc/8C5H-RUYX>] (follow "CONSTITUTIONS" hyperlink; then click "Filter by Topic, Culture and Identity, Conditions for revoking citizenship"); ERSBØLL, *supra* note 113, at 39 ("The idea was to transfer the competence of granting indfødsret [which is the Danish concept of acquiring or losing citizenship] from the (former) sovereign King to the King and the Parliament.").

119. See ERSBØLL, *supra* note 113, at 39, 42. Ersbøll further explains that, to comply with Article 44, naturalization statutes must leave no room for discretionary administrative decisions and cannot be vague. *Id.*

120. *Id.* at 2, 9–10, 15.

121. PRENER, DENATIONALISATION, *supra* note 5, at 207; see also Anja Kublitz, *Acting with God: Divine Interruption and Practices of Jihad*, in *DISENTANGLING JIHAD, POLITICAL VIOLENCE AND MEDIA* 282, 288–89 (Simone Pfeifer, Christoph Günther, & Robert Dörre eds., 2023) (explaining the prevalence of Danish jihadists).

122. PRENER, DENATIONALISATION, *supra* note 5, at 207.

123. Christian Brown Prener, *Citizenship Revocation and the Question of Proportionate Consequences: Latest Judgment from the Danish Supreme Court Sheds New Light on the Limits of Article 8 of the European Convention of Human Rights*, 5 STATELESSNESS & CITIZENSHIP REV. 112, 115 (2023) [hereinafter Prener, *Revocation*]. For more information on the Danish approach to proportionality, see Henrik Wenander, *Europeanisation of the Proportionality Principle in Denmark, Finland and Sweden*, 13 REV. EUR. ADMIN. L. 133, 144 (2020).

124. PRENER, DENATIONALISATION, *supra* note 5, at 208.

that “Denmark ought to take responsibility for the individual Danish citizen.”¹²⁵

Following Denmark’s legalization of dual citizenship in 2014¹²⁶ and the Danish Supreme Court’s first revocation in 2016—applied to a Moroccan-born citizen who posted pro-terrorism content on social media—citizenship deprivation became a more frequently exercised tool.¹²⁷ In 2019, the Danish Parliament amended the DNA to allow the Minister of Immigration and Integration to administratively deprive dual-citizen Danish nationals affiliated with IS of their citizenship without a court order, including those held in Syrian prison camps.¹²⁸ Parliament further expanded citizenship revocation in 2021 to include deprivation on more grounds, including for gang-related crimes.¹²⁹

C. *Adam Johansen*

Adam Johansen was born and raised in Denmark to a Danish mother and Tunisian father.¹³⁰ His mother and siblings lived in Denmark, while his father lived in Tunisia. Johansen had visited Tunisia a handful of times, and his only extended trip was for six months as a teenager. He spoke Arabic, but his Tunisian Arabic was limited. Additionally, he had a Danish wife and a Danish-born son.

In September of 2013, Johansen went to Syria for five months to train with IS.¹³¹ When he returned, he was charged with terrorism. The Danish government sought to imprison him, revoke his citizenship, and expel him from the state post-imprisonment.¹³²

In considering citizenship revocation under the DNA, the District Court and the Appeals Court conducted proportionality analyses and determined his deprivation would be unwarranted. Both courts grounded their decisions in his connection to Denmark, pointing specifically to his birth and upbringing in Denmark as well as his Danish wife and child as factors weighing against revocation.¹³³ However, in 2018, the Danish Supreme Court reversed this decision.¹³⁴ The Court heavily pointed to his Muslim faith as connecting him to Tunisia:

[Johansen] has explained that Islam means everything to him and he practices Islam in everyday life. Even though [he] grew up here in Denmark, the Supreme Court finds . . . that the defendant must be

125. Prener, *Revocation*, *supra* note 123, at 115.

126. *Id.* at 112.

127. *See id.* at 112.

128. *See id.* at 113–14.

129. *See id.* at 114.

130. *See* Carlson, *supra* note 3, at 419–20.

131. *Id.* at 419.

132. Poli & Lonardo, *supra* note 20, at 46–47.

133. Carlson, *supra* note 3, at 419–20.

134. *Id.* at 407; Poli & Lonardo, *supra* note 20, at 46–47.

recognized as having an *unusual connectedness* to Tunisia and Tunisian culture and ways.¹³⁵

Additionally, as ECHR's Article 8 protections place significant emphasis on the individual's family life, the Supreme Court referenced Johansen's wife and child, suggesting that deprivation would not violate his Article 8 rights to family life:

His cohabiting partner, who, as an 18-year-old, converted to Islam and their now 8-year-old son, who has been attending an Islamic school . . . and is now being taught at home by his mother, must not be presumed to be without the necessary background to accompany him to Tunisia.¹³⁶

The Supreme Court consequently revoked Johansen's citizenship, expelled him post-imprisonment, and instituted a permanent re-entry ban.¹³⁷

Johansen challenged the revocation and expulsion before the ECtHR as a violation of his right to private and family life under Article 8, and in 2022, the ECtHR unanimously found for Denmark.¹³⁸ In analyzing both the arbitrariness and consequences of the revocation, the Court pointed to several factors to consider: whether the revocation rendered Johansen stateless, whether it led to expulsion, whether the revocation would have considerable consequences for his daily life as well as his wife and child's daily lives, the nature and seriousness of the offense, and the risk the offense posed to society.¹³⁹ Prior to this case, the ECtHR's jurisprudence on revocation had treated resulting expulsion as essentially dispositive of a reversal, and consequently, the approach taken in Johansen's case represented a shift.¹⁴⁰ The ECtHR found that while Johansen had strong ties to Denmark, his connection to Tunisia was not "insignificant":

[T]aking into account that [Johansen] was convicted of serious terrorist offenses, which themselves constituted a serious threat to human rights, and which to a large extent showed his lack of attachment to Denmark and its values . . . the fact that the applicant in the present

135. Case No. 124/2018 (Den. Sup. Ct. Nov. 20, 2018) (emphasis added).

136. *Id.*

137. Hartwig & Gerdes, *supra* note 77.

138. Carlson, *supra* note 3, at 422.

139. *See id.* at 422–23; Christian Prener, *The ECtHR on Citizenship Revocation: Solving or Compounding the Confusion?*, GLOB. CITIZENSHIP OBSERVATORY (Mar. 29, 2022), <https://globalcit.eu/the-ecthr-on-citizenship-revocation-solving-or-compounding-the-confusion/> [<https://perma.cc/7U79-APBN>].

140. Carlson, *supra* note 3, at 408; Reyntjens, *supra* note 19, at 269. *See also* Poli & Lonardo, *supra* note 20, at 47 (“It was the first time that the decision to revoke the citizenship was made with respect to a Danish national with very strong ties to Denmark—he had a wife, child, mother and siblings—and only rather weak ties to Tunisia.”).

case had obtained Danish nationality by birth does not significantly alter or add to the consequences.¹⁴¹

Simultaneously, the Court pointed to Johansen’s time in Tunisia, his Arabic language skills, and his Muslim faith. Concerning his wife and child, the ECtHR found that they were “not entirely unprepared for accompanying” him to Tunisia.¹⁴² The Court largely ignored the resulting expulsion, severing it from the analysis on revocation, as well as his status as a Danish-born citizen, instead referring to him as a “settled migrant” in Denmark.¹⁴³

VII. DISCUSSION

The case studies of Begum and Johansen, and the citizenship revocation regimes in the U.K. and Denmark, represent citizenship-as-privilege and as-security, at least on their faces. Taken deeper, they indicate citizenship viewed as an ethnonational bond—resulting from a practice that is unequally applied on racialized grounds and rooted in the traditional notion of loyalty to the state. Ultimately, these examples highlight that citizenship revocation devalues citizenship for the entire citizenry, making a state vulnerable to democratic erosion.

A. “Citizenship” Racialized, Devalued, and Hierarchized

As shown in both the British and Danish contexts, citizenship revocation policies often delineate citizens into subcategories—only applying to individuals who have, or are eligible to acquire, two or more citizenships. In practice, this means that these laws are only applicable to a subset of the population, and that some citizens are subject to the more severe punishment of revocation than others for the same crime¹⁴⁴—mimicking the Orwellian notion that “all [humans] are equal, but some are more equal than others.”¹⁴⁵ Ultimately, this unequal application of revocation creates a hierarchy of citizenship or, in other words, second-class citizens.¹⁴⁶ Scholars have even

141. Johansen v. Denmark, App. No. 27801/19, ¶ 70 (Eur. Ct. H.R. Feb. 1, 2022).

142. *Id.* ¶ 82.

143. *Id.* ¶ 76.

144. See Lenard, *supra* note 6, at 78–83 (“The revocation of citizenship can . . . result in both illegitimately lenient and illegitimately severe punishments.”); Ashifa Kassam, *One Mistake and Their Germanness is Gone: How Idea of Stripping Citizenship for Crimes Spread Across Europe*, *GUARDIAN* (Apr. 26, 2025), <https://www.theguardian.com/world/2025/apr/26/how-idea-of-stripping-citizenship-for-crimes-spread-across-europe> [https://perma.cc/7Q8N-A5NQ] (“[D]ual nationals [are] vulnerable to being punished twice for the same crime.”).

145. Masters & Regilme, *supra* note 2, at 345.

146. Lenard, *supra* note 6, at 88. See also Masha Gessen, *In America, Naturalized Citizens No Longer Have an Assumption of Permanence*, *NEW YORKER* (June 18, 2018), <https://www.newyorker.com/news/our-columnists/in-america-naturalized-citizens-no-longer-have-an-assumption-of-permanence> [https://perma.cc/5RQC-XN3K]; GOSEWINKEL, *supra* note 20, at 428 (“In defining political belonging, citizenship policy generated the inequality of hierarchical ranking . . . in . . . society”); Seoyoung Hong, *Bringing Back Women and Children from Syria: Rethinking Citizenship Removal and Improving Reentry Policies and Deradicalization Programs*, 3 *LIECHTENSTEIN INST. ON SELF-DETERMINATION* 5, 7 (2019–2020); Steven Sacco, *Abolishing Citizenship: Resolving the Irreconcilability*

posited that this hierarchical approach to citizenship revocation violates international principles on human rights and non-discrimination.¹⁴⁷

While this deprivation policy aims to avoid statelessness,¹⁴⁸ it ultimately uses revocation on racialized lines and mirrors historically racist invocations of loyalty and disloyalty.¹⁴⁹ Traditionally, during times of war, dual citizens were branded as disloyal, and states saw “dual citizenship as a potential catalyst for treason, espionage, and other subversive activities.”¹⁵⁰ The notion of national solidarity and loyalty has historically, and continues to be, viewed along racialized lines. Johansen’s case encapsulates this notion: his faith, the practice of which is constitutionally protected under Danish freedom of religion, was viewed by the Danish Supreme Court and the ECtHR as connecting him more to Tunisia than Denmark, the country in which he was born and raised. Additionally, both courts highlighted that his wife and child’s connections to Islam sufficiently connected them to Tunisia, despite having never visited and not holding Tunisian citizenship. Similarly, in the U.K., revocation is almost exclusively directed at Muslim people, like Begum, and particularly at Muslim men.¹⁵¹ With this, the traits that these laws target, both theoretically and in practice, are those that often belong to marginalized groups—along ethnic, racial, religious, and naturalization lines.¹⁵²

Ultimately, branding some citizens as holding insecure claims to citizenship creates an unequal hierarchy. Not only do these laws create second-class citizens, but Begum and Johansen show that they go one step further: they render second-class citizenship hereditary, a stigma that the children of immigrants cannot easily escape.¹⁵³ This danger is sharpest when the inherited

Between “Soil” and “Blood” Political Membership and Anti-Racist Democracy, 36 *GEO. IMMIGR. L. J.* 693, 718–21 (2022) (describing citizenship as a “caste system” whose “chief purpose” is to “enforce inequality against non-member”).

147. See, e.g., Mehra, *supra* note 19; E. Tendayi Achiume, Special Rapporteur on Contemp. Forms of Racism, Racial Discrimination, Xenophobia & Related Intolerance, *End of Mission Statement at the Conclusion of Her Mission to the Kingdom of the Netherlands*, U.N. OFF. HIGH COMM’R FOR HUM. RTS. (Oct. 7, 2019), <https://www.ohchr.org/en/statements-and-speeches/2019/10/end-mission-statement-special-rapporteur-contemporary-forms-racism> [<https://perma.cc/Z7XB-EXFZ>]; Reyntjens, *supra* note 19, at 277–82.

148. See Trimbach & Reiz, *supra* note 11, at 1.

149. See Lenard, *supra* note 6, at 80; GOSEWINKEL, *supra* note 20, at 434 (“In the age of globalization, the purportedly obsolete problem of loyalty to the state once again raises its head. This is demonstrated by demands to deprive ‘home-grown enemies’ who commit assaults on the lives of their fellow citizens.”).

150. Lenard, *supra* note 6, at 80 (quoting THOMAS FAIST & JÜRGEN GERDES, *MIGRATION POL’Y INST., DUAL CITIZENSHIP IN THE AGE OF MOBILITY* 5 (2008)).

151. Macklin, *Citizenship*, *supra* note 12, at 7.

152. See Masters & Regilme, *supra* note 2, at 346 (explaining that revocation is tied to state allegiance and loyalty, which is traditionally tied to being white, male, and a property owner); GOSEWINKEL, *supra* note 20, at 422; Helen Stenger, *Victim Versus Villain: Repatriation Policies for Foreign Fighters and the Construction of Gendered and Racialised ‘threat narratives’*, 8 *EUR. J. INT’L SEC.* 1, 19 (2022) (“Shamima Begum’s case is an illustration of this dynamic where her ethnic background renders her a ‘second-class’ citizen and suggests that she has always been ‘foreign.’”); Sacco, *supra* note 146, at 698, 714–17.

153. See also Isaac Selwyn, *Shamima Begum: The UK’s Racialised Approach to Citizenship*, *HUM. RTS. PULSE* (Dec. 9, 2020), <https://www.humanrightspulse.com/mastercontentblog/shamima-begum-the->

citizenship is difficult or impossible to shed, as is the case for many Middle Eastern states.¹⁵⁴ The case of Johansen's son leads to the same conclusion: he was an eight-year-old Danish-born child with two Danish-born parents, and yet courts found that he was prepared to move to Tunisia and would have a connection to the country because of his faith and his grandfather's birthplace. This treatment of citizenship ultimately demotes it to a category of permanent residence; makes it "insecure, qualified, and unequal;" and leaves individuals vulnerable.¹⁵⁵

On one hand, this creates a two-tiered system where citizenship is a *right* for individuals with only one citizenship, but solely a *privilege* for those with more than one.¹⁵⁶ Scholar Kerstin Bree Carlson has even framed this as representing "pure" versus "borrowed" citizenship.¹⁵⁷ On the other hand, by weakening the concept of citizenship for a subset of the population and showing that the government is willing to sever ties with a citizen, it weakens citizenship for everybody—citizenship becomes a privilege for all, and a right for none.¹⁵⁸

B. *Modifying the Ethos of "Citizenship"*

Citizenship revocation additionally devalues "citizenship" by draining the ethos of what it means to be a citizen. In other words, it treats citizenship as simply a revocable license.

Begum's case highlights how "citizenship in the deprivation case law [is] a fundamentally procedural question rather than a constitutional one."¹⁵⁹ By treating citizenship as separate from the individual—severable from Begum's status as a victim of child trafficking and sex exploitation, along with her current position in a refugee camp—British courts removed the ethos from British citizenship. By framing citizenship as security—or in Lavi's words, as "risk mitigation"—it is boiled down to whether the state is better off with or without the individual within its borders. This framing views them as rightless and as politically dead to the state.

Conversely, much of the judicial review of Johansen's case—both at the Danish level and at the ECtHR—emphasized the consequences of deprivation on not only his life, but those of his wife and child. The courts' proportionality analyses framed Johansen as a human being with whom the state still had a relationship, not a risk to be mitigated or a politically dead citizen.

uks-racialised-approach-to-citizenship [https://perma.cc/P546-2MEZ] ("[It] quite literally [gives] immigrants and their children a second-class citizenship."); Poli & Lonardo, *supra* note 20, at 58–59; Reyntjens, *supra* note 19, at 265, 277–80; Stenger, *supra* note 152, at 20 ("[C]hildren of migrants' citizenship is predicated on good behaviour.").

154. See Macklin, *Securitization*, *supra* note 12, at 53.

155. See Macklin, *Banishment*, *supra* note 2, at 163; Pougnet, *supra* note 22, at 416.

156. See Macklin, *Securitization*, *supra* note 12, at 52; Stenger, *supra* note 152, at 19.

157. Carlson, *supra* note 3, at 414.

158. See Sacco, *supra* note 146, at 728 ("[E]quality for the few is not equality for all.").

159. Pougnet, *supra* note 22, at 438.

Ultimately, the differences in judicial review between Begum and Johansen's cases highlight the differing approaches to citizenship treatment and revocation. Under the British model, the U.K. views the state-citizen relationship as between a patron and beneficiary. Meanwhile, the Danish proportionality model views Johansen, his wife, and his child as more than mere beneficiaries or as a risk to be mitigated.

C. *The "Hot Potato" of Revocation*

Begum and Johansen's cases additionally highlight the "hot potato" of citizenship revocation. Revocation that only removes an individual's citizenship on the condition that they are a dual national inherently relies on the other state of nationality not stripping them of their citizenship.¹⁶⁰ Macklin suggests that if every state adopted the approach of revocation for citizens with more than one nationality, it would turn into a race between states—"the state who revokes first wins; the loser gets the citizen."¹⁶¹ Consequently, she argues that a state's citizenship revocation policy is not premised on their conceptualization of *citizenship* as a theoretical or constitutional matter, but instead "on extrinsic and contingent facts about multiple nationalities, the citizenship regimes of other states, and inter-state games of 'hot potato' played with the bodies of undesirable citizens."¹⁶² Beyond just risking the further weakening of citizenship, scholars have also warned that making revocation contingent on another state's actions can fracture international cooperation in counter-terrorism and foreign policy efforts—weakening the underlying purpose of citizenship revocation.¹⁶³

Begum's case heavily represents the "hot potato" played between the U.K. and Bangladesh, where evidently both states "won," and Begum "lost." While the Home Secretary revoked her citizenship on the notion that Bangladesh offers *jus sanguinis* citizenship and she could theoretically gain citizenship through her parents, he ignored that she was not actually a Bangladeshi citizen. When the Bangladeshi government publicized that Begum was not eligible for Bangladeshi citizenship, it did not change the U.K.'s analysis. Ultimately, Begum ended up without either citizenship and both states pointing fingers at each other, signifying that each state considered her as the other's responsibility. On the other hand, in Johansen's case, Johansen not only held a Tunisian passport, but the Danish government also

160. See Macklin, *Securitization*, *supra* note 12, at 53. See also Jayaraman, *supra* note 56, at 182, 203 ("A 'race' to denationalize is a bizarre and unworkable result. It is effectively a regime in which States have an incentive to quickly denationalize a suspect and race against other States to be first."); Bauböck & Paskalev, *supra* note 20, at 52 ("Citizenship deprivation . . . becomes a game of 'passing the buck,' in which standards of judicial review and scrutiny are very likely to be eroded for the sake of swift action in order to avoid becoming the dumping ground for the other State's terrorist suspects.")

161. Macklin, *Securitization*, *supra* note 12, at 52.

162. *Id.*

163. See Esbrook, *supra* note 58, at 1305–07; Natasha Armpriester, *How Weaponizing Citizenship Hurts the Justice System*, THE OPEN SOC'Y JUST. INITIATIVE (Mar. 4, 2019), <https://www.justiceinitiative.org/voices/how-weaponizing-citizenship-hurts-justice-system> [<https://perma.cc/28KY-D6Y3>].

affirmatively spoke to the Tunisian government and confirmed that they recognized him as a citizen, participating in an investigation in conjunction with revocation.¹⁶⁴

While the British and Danish models reflect differing levels of diligence in verifying an individual's actual ties to an alleged secondary citizenship, both ultimately reveal that the outcome hinges on which state acts first. By reducing citizenship to a game between states, they further devalue it and weaken its ethos.

D. *Vulnerability to Democratic Erosion*

Because citizenship revocation devalues citizenship—both for groups who receive less protection and the entire population as a whole—it may make a state vulnerable to democratic erosion in numerous ways. Professor Patti Tamara Lenard offers one avenue for viewing citizenship revocation policies, rooted in security goals rather than civic duty, as opening the door to democratic erosion:

Revocation laws may . . . serve to ‘fuel a sense of second class citizenship among the affected communities and erode their feelings of *social solidarity*’ with the wider political community. In so doing, they permit . . . the view that certain citizens are less likely to be loyal and may prove *damaging to democratic inclusion*.¹⁶⁵

Lenard underlines that a formalized state hierarchy of citizenship may translate into deeper inequalities in society. Thus, individuals who are subject to unequal citizenship may not only be legally unequal, but may also be viewed as disloyal and less equal in society.¹⁶⁶ Consequently, citizenship revocation weakens the role of the citizen in democracy as a community, mirroring Lavi's views on citizenship as membership in the polity. Begum's case emphasizes how the government's framing of devalued citizenship can lead to the actual devaluation of life—with the public notoriety of Begum's case, she has been labeled as the “ISIS Bride” and has been heavily belittled in public life.¹⁶⁷

Further, “citizenship” and the consent it evokes are viewed as a linchpin in many states' constitutions—the heart of a democratic constitutional system. Consequently, revocation has the potential for undoing an entire system.¹⁶⁸ As scholar Rachel Pougnet describes:

164. *Johansen*, App. No. 27801/19, ¶ 20.

165. Lenard, *supra* note 6, at 81 (emphasis added).

166. See Kassam, *supra* note 144 (“Already, the years of anti-immigration discourse has heightened this feeling of unwantedness in Denmark . . . [a]nd [revocation] laws remind many of how tenuous their inclusion in Danish society is and how easily these ties to Denmark can be severed.”).

167. Lenard, *supra* note 6, at 90. See also Stenger, *supra* note 152, at 16–19.

168. Pougnet, *supra* note 22, at 417; GOSEWINKEL, *supra* note 20, at 340–46.

[W]hat grants legitimacy to most liberal states today does not reside in the pedigree of the ruling family but lies in the citizens (or ‘the people’, however framed) . . . [and] in the establishment of democratic modes of consent. Citizenship, in a nutshell, has become the . . . benchmark for the legitimacy of state power.¹⁶⁹

In states that broadly practice revocation, citizenship is “at the mercy of poorly drafted legislation and poorly minded legislators . . . as well as poor institutional practices more broadly,” rather than treated as the consequential basis of a democracy.¹⁷⁰ This in turn devalues citizenship by weakening the basis for state power and sovereignty, thus weakening democratic foundations.

Lastly, viewing citizenship as the “right to have rights” makes all other rights contingent on citizenship; and when the foundational right of citizenship is fragile and subject to the government’s determination, all other rights become fragile.¹⁷¹ This is especially clear in the analysis of Johansen’s case before the Danish Supreme Court and the ECtHR. While Denmark constitutionally protects freedom of religion, the courts viewed Johansen’s Muslim faith as making him more loyal and connected to another state. Consequently, citizenship revocation not only devalued the Danish conceptualization of citizenship as a right but also freedom of religion. In Begum’s case, the U.K.’s protections against human trafficking and child sexual exploitation were similarly disregarded as inconsequential, devaluing the protections afforded to British citizens.¹⁷²

As these case studies show, by weakening all rights and devaluing the state’s protection of them, citizenship revocation makes a state vulnerable to the diminution of rights and, ultimately, to democratic erosion.

VIII. CONCLUSION

When courts analyze the legality of citizenship revocation, they often consider the *ex-citizen’s* future, but reality is far different from a court’s assumptions. Begum is still in a Syrian refugee camp petitioning the ECtHR to hear

169. Pougnet, *supra* note 22, at 417.

170. *Id.* at 439.

171. See Reyntjens, *supra* note 19, at 270.

172. See Kirsten Larson, *Shamima Begum – A Disappointing Precedent for the Protection of Victims of Trafficking*, OXFORD HUM. RTS. HUB (Mar. 25, 2024), <https://ohrh.law.ox.ac.uk/shamima-begum-a-disappointing-precedent-for-the-protection-of-victims-of-trafficking/> [<https://perma.cc/EKC5-F7QX>]; Tarazi Mohammed Sheikh, *Interview: UN Special Rapporteur Ben Saul Discusses Child Trafficking, International Law, and the Case of Shamima Begum*, JURIST NEWS (Apr. 8, 2024), <https://www.jurist.org/features/2024/04/08/interview-un-special-rapporteur-ben-saul-discusses-child-trafficking-international-law-and-the-case-of-shamima-begum/#> [<https://perma.cc/C89G-AT6G>]; Levni & Cumiskey, *supra* note 104; Saskia Wishart & Gillian Kane, *Who is a Trafficked Person? The Case of Shamima Begum Suggests that ‘Ideal Victim’ Narratives Persist, More than 20 Years After the Adoption of the Palermo Protocol*, REFUGEE L. INITIATIVE BLOG ON REFUGEE L. & FORCED MIGRATION (Mar. 15, 2021), <https://rli.blogs.sas.ac.uk/2021/03/15/who-is-a-trafficked-person-the-case-of-shamima-begum/> [<https://perma.cc/VD5S-68VX>].

her case on appeal;¹⁷³ several former British nationals have been killed by U.S. drone strikes;¹⁷⁴ and while Johansen had to serve the rest of his prison sentence in Denmark, his current whereabouts are unclear.¹⁷⁵

While citizenship revocation that is premised on citizenship-as-privilege and as-security—and is applied to individuals who commit intolerable crimes, with an eye towards reducing statelessness—may be laudable, it comes at a cost.¹⁷⁶ It reduces a legal protection—a trait that feels almost ethereal—to no more than a license that can be revoked. Notably, it often does so on racially discriminatory lines that resemble—and, potentially, even rise to—a model of citizenship as an ethnonational bond, creating a hereditary second-class citizenship. Overall, “the revocation of citizenship *turns* citizenship into something fragile.”¹⁷⁷

However, the risk is not just to individuals who are eligible for more than one citizenship and the theoretical ethos of *citizenship*, but to a nation’s whole constitutional order. As Begum and Johansen’s cases exemplify, citizenship is intertwined with other rights, and thus revocation may clash with religious freedom and protections for marginalized communities. Additionally, while outside the scope of this paper, revocation often violates or skirts around constitutionally protected procedural rights and due process, handing out different punishments to individuals who commit the same

173. Rajeev Syal, *Shamima Begum: Supreme Court Refuses to Hear UK Citizenship Appeal*, *GUARDIAN* (Aug. 7, 2024), <https://www.theguardian.com/uk-news/article/2024/aug/07/shamima-begum-supreme-court-refuses-hear-citizenship-appeal> [<https://perma.cc/K67G-X4SD>]; Levni & Cumiskey, *supra* note 104 (“[T]he [ECtHR] cannot ‘force’ the UK to repatriate [Begum], but it can find that the UK breached its obligations and call on it to remedy that.”); Hong, *supra* note 146, at 10 (explaining the harrowing conditions at Syrian refugee camps); Usaid Siddiqui, *New Review urges UK to Repatriate Shamima Begum, Others from Syria*, *AL JAZEERA* (Nov. 13, 2025), <https://www.aljazeera.com/news/2025/11/13/new-review-urges-uk-to-repatriate-shamima-begum-others-from-syria> [<https://perma.cc/9MMW-EN2M>] (describing the camps as “inhuman”); Areeb Ullah, *European Court Challenges UK on Shamima Begum Citizenship Revocation*, *MIDDLE E. EYE* (Dec. 29, 2025), <https://www.middleeasteye.net/news/shamima-begum-uk-citizenship-european-court-human-rights-challenges-uk-government-citizenship-stripping> [<https://perma.cc/GYH6-MSWM>] (providing the latest update, as of time of writing, that the ECtHR has inquired whether the UK violated its anti-trafficking obligations in stripping Begum of her citizenship).

174. See Macklin, *Citizenship*, *supra* note 12, at 8 (“[O]nce the UK deprives a person of citizenship, ‘the British government can completely wash their hands if the security services give information to the Americans who use their drones to track someone and kill them.’”).

175. Per last reports in 2022, Johansen had served his sentence and was in an immigration center in Denmark awaiting deportation. See *Menneskerettighedsdomstol afviser IS-krigers sag om dansk pas [Human Rights Court rejects IS fighter’s case for Danish passport]*, *POLITIKEN* (Mar. 3, 2022), <https://politiken.dk/danmark/art8649465/Menneskerettighedsdomstol-afviser-IS-krigers-sag-om-dansk-pas> [<https://perma.cc/99QB-7676>].

176. Compare E. E. Sheng, *The Moral Permissibility of Banishment*, 42 *L. & PHIL.* 285, 285 (2023) (supporting citizenship revocation), with Maarten P. Bolhuis & Joris van Wijk, *Citizenship Deprivation as a Counterterrorism Measure in Europe: Possible Follow-Up Scenarios, Human Rights Infringements and the Effect on Counterterrorism*, 22 *EUR. J. MIGRATION & L.* 338, 338 (2020) (explaining why citizenship revocation as a counter-terrorism tool is counterproductive and may lead to further radicalization), and Esbrook, *supra* note 58, at 1300–29 (critiquing citizenship revocation as failing to reach its counterterrorism goals and proposing alternatives).

177. Lavi, *supra* note 8, at 426.

crime.¹⁷⁸ Consequently, while citizenship revocation as an anti-terrorism tool may feel distant from daily life, it implicates all members of a population and their own citizenship, as well as a nation's constitutional structure, democracy, and cohesive social fabric.

Rather than narrowing or carefully regulating the use of revocation, states appear to be expanding the practice in ways that reflect a return to earlier punitive approaches.¹⁷⁹ In the U.S., the Trump administration has prioritized denaturalization¹⁸⁰ and sought to eliminate birthright citizenship for children of undocumented immigrants;¹⁸¹ in Sweden, the government is attempting to amend the Swedish Constitution to permit revocation for dual-nationals;¹⁸² in Cambodia, the National Assembly amended the constitution to allow for citizenship revocation;¹⁸³ and many more states around the world are seeking to introduce or expand grounds for revocation.¹⁸⁴

178. See Selwyn, *supra* note 153 (“This would create a two-tier justice system where immigrants and their children receive harsher punishments for the same crimes, further increasing the disproportionate criminalization of ethnic minorities.”).

179. Esbrook, *supra* note 58, at 1328 (“But viewed in the light of history, the current focus on revocation seems anachronistic and medieval as a form of punishment.”).

180. See Hamed Aleaziz, *Trump Administration Aims to Strip More Foreign-Born Americans of Citizenship*, N.Y. TIMES (Dec. 17, 2025), <https://www.nytimes.com/2025/12/17/us/politics/trump-immigration-citizenship-denaturalization.html> [<https://perma.cc/MBC2-NR2E>]; Cassandra Burke Robertson & Irina D. Manta, Commentary, *Trump Efforts to Strip Citizenship from Naturalized Americans Likely Violate Constitutional Rights*, OHIO CAP. J. (July 18, 2025), <https://ohiocapitaljournal.com/2025/07/18/trump-efforts-to-strip-citizenship-from-naturalized-americans-likely-violate-constitutional-rights/> [<https://perma.cc/7ZW2-N7K7>]. See also Amanda Frost, *Alienating Citizens*, 114 NW. U. L. REV. 241 (2019) (providing background of denaturalization in the US).

181. See Jacob Hamburger, *The Consequences of Ending Birthright Citizenship*, 103 WASH. U. L. REV. 209, 210 (2025); see also Adriana Gomez Licon, *Trump's Vow to Deport Millions Is Undercut by History*, PBS (Jan. 3, 2024), <https://www.pbs.org/newshour/politics/trumps-vow-to-deport-millions-is-undercut-by-history> [<https://perma.cc/UM84-CS7S>] (describing historical limits of Trump's plan for large-scale deportation in the United States); Claire Wang, *Millions of Mexican Americans Were deported in the 1930s. Are We about to repeat this 'ethnic cleansing'?*, GUARDIAN (Dec. 3, 2024), <https://www.theguardian.com/us-news/2024/dec/03/trump-mass-deportation-plan-1930s-repatriation-program> [<https://perma.cc/SM3P-NT9K>] (discussing Trump's proposals for deportations and historical parallels to 1930s removals of Mexican Americans); Avery Lotz, *Trump Suggests Deporting Families with Mixed Immigration Status*, AXIOS (Dec. 8, 2024), <https://www.axios.com/2024/12/08/trump-immigration-deportation-us-citizens> [<https://perma.cc/XZ66-2SNV>] (threatening to deport American citizens in mixed-status families).

182. *Sweden Wants to Strip Organised Crime Leaders of Citizenship*, REUTERS (Dec. 5, 2025), <https://www.reuters.com/world/sweden-wants-strip-organised-crime-leaders-citizenship-2025-12-05/> [<https://perma.cc/FZ4U-SEHA>].

183. *Cambodia: Revised Law Endangers Citizenship*, HUM. RTS. WATCH (Sept. 1, 2025), <https://www.hrw.org/news/2025/09/01/cambodia-revised-law-endangers-citizenship> [<https://perma.cc/ELF3-3CN3>]; *Cambodia MPs Pass 'Chilling' Bill Enabling Citizenship to be Stripped*, GUARDIAN (Aug. 25, 2025), <https://www.theguardian.com/world/2025/aug/26/cambodia-treason-citizenship-law> [<https://perma.cc/6PEQ-PHC3>].

184. See, e.g., Kassam, *supra* note 144 (explaining how Finland, Sweden, and Germany are seeking to expand grounds for citizenship revocation); Iryna Zubenko, *Proposal to Strip Convicted Criminals of Icelandic Citizenship*, REYKJAVÍK GRAPEVINE (Feb. 19, 2025), <https://grapevine.is/news/2025/02/19/proposal-to-strip-convicted-criminals-of-icelandic-citizenship/> [<https://perma.cc/Q8FZ-V68X>] (describing Iceland's attempts to introduce citizenship revocation); Péter Szigeti, *Statelessness, Human Rights and the Doubling of Criminal Law: Hungary's New Law on the "Suspension of Citizenship"*, BLOG EUR. J. INT'L L. (July 30, 2025), <https://www.ejiltalk.org/statelessness-human-rights-and-the-doubling-of-criminal-law-hungarys-new-law-on-the-suspension-of-citizenship/> [<https://perma.cc/BZW6-TPQ2>] (explaining Hungary's new broad-reaching citizenship revocation policies); Almaz Teffera, *German Proposal to Strip Citizenship Endangers Human Rights*, HUM. RTS. WATCH (Apr. 3, 2025),

The practice of citizenship revocation in the U.K. and Denmark, and the alarming, expansive use and adoption of it around the world, signal the devaluation and fragility of citizenship on a larger scale—and its resulting erosion of democracy.

<https://www.hrw.org/news/2025/04/03/german-proposal-strip-citizenship-endangers-human-rights> [<https://perma.cc/7VPB-S6GS>] (describing certain German political parties' attempts to amend Germany's Nationality Law to introduce vague grounds for revocation); Karolina Ambrazaitytė, *Drobiazko's Stripped Citizenship Not Unconstitutional – Lithuania's Constitutional Court*, LRT (Sept. 10, 2025), <https://www.lrt.lt/en/news-in-english/19/2707951/drobiazko-s-stripped-citizenship-not-unconstitutional-lithuania-s-constitutional-court?srsId=AfmBOor1ETQMn6-F3aQII9hwDAEsRJYzvvygPgyqfSKGLyTP0d9szU> [<https://perma.cc/CVP7-C3AK>] (explaining Lithuania's citizenship revocation laws and its application to a Russian dual-citizen who had close ties to the Russian government); Sarah Basford Canales, *Referendum needed for Dutton's call to toughen citizenship-stripping laws, expert says*, GUARDIAN (Feb. 13, 2025), <https://www.theguardian.com/australia-news/2025/feb/14/peter-dutton-citizenship-stripping-laws-referendum-anti-israeli-comments-nsw-nurses> [<https://perma.cc/CU9A-UTE7>] (explaining the Australian Prime Minister's attempts to bolster revocation powers).