Contents

1	Intr	oduction 1			
_	1	The Law and Practice of Citizenship Deprivation - Problem			
		Setting 1			
	2	The Varied Meanings of Citizenship - Citizenship, Sovereignty			
		and the Nation 2			
	3	The End of the State, the End of Citizenship? 7			
	4	Citizenship Deprivation – A Seemingly Inconsequential Power 1			
	5	Citizenship Deprivation – Brief History of a Notion 15			
	6	Outlook and Approach 21			
	7	Context of the Research 24			
2	Dep	rivation of Citizenship, Statelessness, and International			
	Star	ndards 25			
	1	Introduction 25			
	2	The First Articulations of Statelessness as an International			
		Issue 27			
	3	Nationality as a Human Right – the Universal Declaration of			
		Human Rights 29			
	4	Legally Binding Norms on Statelessness 34			
	5	The 1954 Convention Relating to the Status of Stateless			
		Persons 37			
		5.1 The Status of Stateless Persons based on the 1954			
		Convention 37			
		5.2 The 1954 Convention and the Exclusion Clause 41			
	6	Preventing and Reducing Statelessness – the 1961 Convention 44			
		6.1 The Elimination of Statelessness – a Step too Far 44			
		6.2 The 1961 Convention on the Reduction of Statelessness 48			
		6.3 The Relationship between the 1954 and 1961 Conventions 52			
7 International Standards in Practice 55 8 Framing Discourses on Statelessness and Loss of Nation					
	9	Conclusions 67			
3	The Council of Europe and Nationality 69				
	1	Introduction 69			
	2	Council of Europe Conventions on Nationality 70			

4

3	The European Convention on Nationality 74					
	3.1	An Overview 74				
	3.2	ECN and Loss of Nationality 76				
	3.3	Procedural Guarantees 82				
4 The Impact of the CoE Nationality Standards 84						
5	Deprivation of Nationality and the European Convention on					
	Human Rights 89					
6	Nationality and the Scope of the ECHR 95					
	6.1	Deprivation of Nationality – Inhuman and Degrading				
		Treatment or a Matter of Private Life? 97				
	6.2	Statelessness, Nationality and Assigning Responsibility 104				
	6.3	Self-inflicted Statelessness 107				
	6.4	Deprivation of Nationality and Fair Trial 111				
	6.5	Deprivation of Nationality and Equality: Article 14				
		ECHR and Protocol 12 113				
	6.6	Politics and Nationality: Expelling Own Nationals 118				
7	Conclusions 119					
		the state of the s				
Un-b	econ	ning an EU Citizen: Deprivation of Citizenship and				
EU L	aw	122				
1	Introduction 122					
2		European Union and Nationality: An Unorthodox Match? 122				
3		Sitizenship and State Nationality 125				
4		Strengthening of EU Citizenship Rights – A Judicial Affair 134				
5		the Member States Free in the Sphere of Nationality Law? 137				
6	The Case Law of the Court of Justice and the Requirement to					
	Hold the Nationality of a Member State 145					
	6.1	EC Law and Nationality Issues 145				
	6.2	European Union Citizenship and Nationality Law before the				
		CJEU 148				
	6.3	The Politics of Nationality Law: State National v. EU Citizen 152				
	6.4	Rottmann – Testing the Reach of National Powers of				
	Citizenship Deprivation 158					
7	EU Citizenship after the Treaty of Lisbon 164					
8	Conclusions 171					
_						
Depi	rivati	on of Citizenship in the United Kingdom: Citizenship as				

- 5 Privilege 173
 - Introduction 173 1
 - British Nationality Legislation in the 20th Century: Subjects, Nationals and Citizens 173

	3	Britishness Redefined – in Search of the Ideal Citizen 179		
	4	UK Nationality Legislation 182		
	D-	4.1 The Nationality, Immigration and Asylum Act 2002 -		
		Expanding the Power to Deprive of Citizenship 183		
		4.2 Reactions to the New Deprivation Powers 185		
	5	The Immigration, Asylum and Nationality Act 2006 189		
		5.1 The Further Erosion of Citizenship Status 189		
		5.2 Scrutinizing the 2006 Powers of Deprivation 192		
6 The Immigration Act 2014 –		The Immigration Act 2014 – Going Back in Time 198		
	7	Deprivation of Citizenship Before the Courts 205		
		7.1 David Hicks – a Disaffected Citizen? 205		
		7.2 Citizens as Threats - Conducive to the Public Good 207		
		7.3 The Outer Limits of Deprivation Powers – Statelessness 211		
		7.4 The Relevance of Technicalities – Out of Country Appeals 220		
		7.5 Fraudulent Citizens – Bogus Asylum Seekers 224		
		7.6 British Nationals – EU Citizens? 226		
	8	Conclusions 231		
6	Dep	rivation of Citizenship in France: Paper Frenchmen, Universal		
	Citiz	enship and the Principle of Assimilation 234		
	1	Introduction 234		
	2	French Nationality and Citizenship 235		
		2.1 Citizenship – The Legacy of the Revolution 235		
		2.2 Citizenship and Belonging: A Complex Relation 238		
	3	Deprivation of Citizenship – Any Republican Logic? 243		
	4	The Vichy Denaturalisations 245		
	5	The Legal Regime of French Nationality 249		
		5.1 Acquisition of Nationality 250		
		5.2 Loss of Nationality 252		
	6	The Links between Nationality, Immigration and (in)Security 257		
		6.1 The 1996 Change: Terrorist Citizens and Equality 258		
		6.2 The 2005 Changes: Riots and Un-integrated Citizens 260		
		6.3 The 2010 Proposals – Polygamous Citizens and Rioters 264		
		6.4 The 2013/2014 Proposals – Dual Nationals and National		
		Indignity 267		
	7	The Case Law of the Conseil d'Etat 271		
		7.1 Fraud 271		
		7.2 Terrorism 274		
		7.3 International Standards and French Courts 277		
	8	Conclusions 279		

7	Deprivation of Citizenship in Germany: Accommodating Public and				
	Private Interests	282			

- 1 Introduction 282
- Problematizing the Ethnic Notion of Citizenship: Poverty and Citizenship before the Empire 283
- 3 The Creation of the German Nation: Citizenship During the Empire 286
- 4 Deprivation of Citizenship and Racism: The Nazi Policy of Citizenship Deprivation 289
- 5 Citizenship and Leitkultur Culture Reloaded 293
- 6 German Nationality Legislation 298
 - 6.1 Acquisition of Nationality 300
 - 6.2 Loss of Nationality 304
- 7 Courts and Citizenship: Enacting Citizenship in the Court 311
 - 7.1 What does the Constitution Protect? Loss of Citizenship Versus Arbitrary Deprivation 312
 - 7.2 Effects of Loss of Citizenship for Third Parties 317
 - 7.3 The Federal Administrative Court and the Tying-up of Loose Ends 319
- 8 The Rottmann Case: Bringing in European Union Citizenship 322
- 9 Conclusions 325

8 Conclusions 328

- 1 International Law, Statelessness and Citizenship Deprivation 328
- The Intersection between Human Rights and Citizenship Deprivation 330
- 3 European Union Citizenship and Limits to State Powers in the Field of Nationality 334
- 4 Contextualizing Citizenship Deprivation: Convergences and Differences at the National Level 339
- 5 Terrorists and Fraudsters: Unlikely and Unwanted Citizens 346

Literature 353 Index 381