

# CITIZENSHIP STRIPPING AS A PREVENTATIVE COUNTERTERRORISM MEASURE: A COMPARATIVE ANALYSIS OF EUROPEAN TRENDS

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## Abstract

*This paper analyzes the trend of using citizenship stripping as a preventative counterterrorism measure in Europe. It compares the legal evolution of deprivation powers in France, Germany, Italy and the United Kingdom. We argue that despite its political appeal, the measure is often counterproductive, serving as a form of risk exportation. The practice raises serious human rights concerns, eroding procedural safeguards and creating legal limbo. It fundamentally challenges the concept of citizenship as a right versus a conditional privilege. The conclusion questions the efficacy of this strategy, suggesting it may compromise both security and fundamental rights.*

## Keywords

*Citizenship Deprivation, Foreign Fighters, Preventative Counterterrorism, National Security, Statelessness.*

## Introduction

The practice of citizenship deprivation, defined as the involuntary revocation of nationality by state authority, has historically been employed to enforce political allegiance and reinforce state power, most notably in the nineteenth and early twentieth centuries. The practice served a host of purposes: punishment for military desertion, deterrence against expatriation, control over migration, and suppression of political opposition. In the wake of the Second World War, these practices began to subside as human rights norms took center stage and international law increasingly restricted the arbitrary deprivation of citizenship and statelessness. Yet the measure never disappeared. Instead, its scope narrowed, leaving a residual framework that later enabled its re-emergence in contemporary security policy.

The rise of the Islamic State (hereinafter, ISIS) following its 2014 declaration of a so-called Caliphate reshaped security debates across Europe. Thousands of individuals travelled to Syria and Iraq as supporters, volunteers, or combatants, creating serious humanitarian, legal, and security challenges for numerous states, affected communities, and international partners.<sup>1</sup> United Nations

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<sup>1</sup> Hanne Cuyckens, "Foreign Fighters and the Tension between Counterterrorism and International Humanitarian Law: A Case for Cumulative Prosecution Where Possible," *International Review of the Red Cross* 103, no. 916-917 (2021): pp. 581-603, <https://doi.org/10.1017/s1816383121000308>.

Security Council Resolution 2178 (2014) defines these individuals as “foreign fighters,” meaning persons who leave their state of residence or nationality to perpetrate, plan, prepare, or participate in terrorist acts, or to provide or receive terrorist training.<sup>2</sup>

When ISIS began to lose territorial control, European governments faced the politically sensitive question of how to manage the potential return of their nationals. Traditional counterterrorism frameworks formed around criminal prosecution, intelligence-led policing, and judicial oversight did not always offer clear or timely responses to this situation. Several states concluded that these existing tools were too slow, too resource-intensive, or too constrained by evidentiary requirements to deal with individuals who had travelled to conflict zones, committed acts abroad, or remained outside the reach of domestic courts. This perception accelerated a broader shift in European counterterrorism policy away from reactive, prosecution-based approaches toward proactive administrative measures designed to prevent threats before they come to action.

Historically, deprivation occurred on a wide range of grounds, including personal status changes, political disloyalty, military desertion, or residence abroad.<sup>3</sup> While many early grounds have fallen out of use, several enduring bases remain, such as fraudulent acquisition of nationality, voluntary acquisition of another citizenship, service in a foreign army, or the commission of serious crimes against the state.<sup>4</sup> In recent decades, there has been a marked revival of deprivation powers across Europe. A significant number of European states, including France, Belgium, Denmark, Estonia, Finland, Germany, Italy, Latvia, the Netherlands, Norway, and the United Kingdom (hereinafter the UK), have expanded their legal grounds for deprivation, adding terrorism-related conduct and broad notions of disloyalty as new bases for revocation.<sup>5</sup> These measures are generally directed at dual nationals in order to avoid statelessness, and naturalized citizens tend to be

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<sup>2</sup> Foreign fighters are defined by the UN Security Resolution 2178 as: “persons who have travelled to a State other than their States of residence or nationality for the perpetration, or the planning or preparation of, terrorist acts or the participation in such acts or the provision or receipt of terrorist training, including in relation to armed conflict.”: United Nations Security Council, *Resolution 2178* (2014), p.2, last modified September 24, 2014, accessed December 2, 2025, [https://www.undocs.org/S/RES/2178%20\(2014\)](https://www.undocs.org/S/RES/2178%20(2014)).

<sup>3</sup> For a comprehensive overview of the definition, legal limits, and impacts of nationality deprivation, see the thematic page maintained by the Stateless Hub, Nationality Deprivation [online], last updated December 2023, accessed December 3, 2025, <https://www.statelesshub.org/theme/nationality-deprivation>.

<sup>4</sup> *Ibid.*

<sup>5</sup> Jules Lepoutre, Citizenship loss and deprivation in the European Union (27 + 1), EUI Working Paper RSCAS, 2020, No. 29, p. 1-5.

disproportionately affected.<sup>6</sup> Normatively, deprivation is consequential because it permanently severs the legal bond between an individual and the state, raising questions about proportionality, equality, and the limits of state authority.

Against this backdrop, the preventive use of citizenship deprivation as a counterterrorism measure remains both limited in effectiveness and problematic in its long-term implications. Although governments view it as a rapid and decisive means of excluding individuals considered dangerous, it often displaces risk to other regions, reduces oversight capacity, and may contribute to future radicalization.<sup>7</sup> The practice also raises serious human rights concerns, including weakened procedural guarantees, unequal impacts on dual-national communities, and potential exposure to statelessness.<sup>8</sup>

This tension between asserted security utility and demonstrable rights costs frames the core inquiry of this paper. Given its revival across Europe, to what extent does citizenship stripping function as an effective and legitimate counterterrorism instrument? More specifically, how do the distinct legal models adopted by France, Germany, Italy, and the UK balance security objectives with the protection of fundamental rights and democratic norms?

To answer these questions, this paper argues that the preventive use of citizenship deprivation as a counterterrorism measure is both limited in effectiveness and problematic in its long-term consequences. To analyze these issues, the current study employs a comparative legal methodology, enabling a structured examination of how different legal systems justify, design, and apply deprivation powers and how these approaches shape security outcomes and rights protections. The analysis focuses on four jurisdictions selected not only for their significant exposure to the foreign fighter phenomenon but also for their pivotal roles as primary destination and naturalization countries for immigrant populations, where issues of dual nationality and contingent citizenship are most acute.

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<sup>6</sup> Naturalization refers to the act of investing an alien with national status in a given state. It may be achieved as a result of voluntary application, special legislative direction, marriage to a citizen, or parental action among others. See: Britannica Editors. "Naturalization". *Encyclopedia Britannica*, 13 Mar. 2025, <https://www.britannica.com/topic/naturalization>. Accessed 2 December 2025.

<sup>7</sup> Beatrice Nardi, *Citizen Deprivation as a counterterrorism measure in Europe: the challenge of balancing State security with human security* (Master's Degree Thesis, Luiss Guido Carli University, 2022), pp. 69-75.

<sup>8</sup> *Ibid.*

## Core

### 1. Comparing European Legal Frameworks for Citizenship Deprivation on Terrorism Grounds

To capture the full spectrum of legislative logic and practice in Europe, this comparative analysis examines four pivotal jurisdictions: France, Germany, Italy, and the UK. These nations represent distinct constitutional and legal archetypes. For instance, France exemplifies a restrained, conviction-based model with robust judicial oversight. Germany illustrates a case of recent, precise legislative innovation focused on combat participation. Italy provides a necessary counterpoint, where strong constitutional and international law safeguards actively limit the state's power to deprive. Finally, the UK anchors the opposite end of the spectrum with its paradigm of broad executive discretion and high-volume application. By analyzing these divergent approaches; from maximalist executive power to preventative specificity, post-conviction punishment, and rights-protective restraint; this section aims to provide a nuanced and comprehensive understanding of how European states reconfigure the bonds of citizenship in the name of security.<sup>9</sup>

#### 1.1 France: the Judicial-Restraint Model: Conviction, Proportionality, and Domestic Limbo

France employs a restrained, conviction-based model. The authority for deprivation is found in Article 25 of the Civil Code, which applies exclusively to naturalized citizens and expressly forbids rendering an individual stateless.<sup>10</sup> Crucially, it is contingent upon a prior criminal conviction for terrorist offences or acts against the nation's fundamental interests, and the decision is made by the Council of Ministers following consultation with the Council of State.<sup>11</sup>

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<sup>9</sup> Maarten P. Bolhuis and Joris van Wijk, "Citizenship Deprivation as a Counterterrorism Measure in Europe; Possible Follow-Up Scenarios, Human Rights Infringements and the Effect on Counterterrorism," *European Journal of Migration and Law* 22, no. 3 (2020): pp. 338-365, <https://doi.org/10.1163/15718166-12340079>.

<sup>10</sup> Article 25 of the Civil Code states that: "An individual who has acquired French nationality ...", and "... unless the revocation results in him or her becoming stateless."

<sup>11</sup> While that, the Minister of interior has the role of informing the individual concerned on the ministers' intention. The point is that the individual should be given a chance to respond. Having examined the arguments of the individual, The Council of Ministers with the approval of the Council of State will then decide on the deprivation. See; Patrick Wautelet, *Deprivation of Citizenship for Jihadists: Analyses of Belgian and French Practice and Policy in Light of the Principle of Equal Treatment* (Social Sciences Research Network, 2016), p. 10, accessed December 1, 2025, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2713742](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2713742).

This model embeds a stronger judicial check within the process. The case of Kamel Daoudi elucidates its practical and human rights implications. Following deprivation of his French citizenship after a terrorism conviction, Daoudi challenged his planned expulsion to Algeria.<sup>12</sup> The European Court of Human Rights (hereinafter, ECtHR), in *Daoudi v. France* (2009), ruled that expulsion would violate Article 3 of the European Convention on Human Rights due to the risk of torture (Principle of non-refoulement).<sup>13</sup> Consequently, Daoudi has remained for over fifteen years in a state of "legal limbo" within France, subject to severe restrictive measures ("assigned residence") a stark example of how deprivation can lead to a permanent, rights-diminished status inside the depriving state's territory when deportation is legally blocked.<sup>14</sup>

In a different case, French administrative courts have actively shaped the application of deprivation powers by rigorously reviewing their proportionality. This judicial scrutiny is exemplified by a landmark June 2016 ruling by France's highest administrative court, the Council of State. The court examined the cases of five dual-nationality citizens who were sentenced in France in 2007 for their role in a series of bombings in Casablanca, Morocco, in 2003 that left 45 dead.<sup>15</sup> The judges conducted a proportionality test, weighing the gravity of the specific terrorist acts committed by the individual against the severity of losing French nationality. The court concluded that, given the nature and seriousness of the crimes, "the punishment of the stripping of nationality was not disproportionate."<sup>16</sup>

This national-level reasoning was subsequently affirmed at the international level by the ECtHR in the case of *Ghoumid and Others v. France* (25 June 2020). The ECtHR examined the same five individuals, who had been deprived of their French nationality in 2015 after serving prison sentences for terrorism. The Court explicitly upheld the French authorities' decision, finding

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<sup>12</sup> European Court of Human Rights, *Daoudi v. France*, application no. 19576/08, judgement of 3 December 2009, paras. 61-62, accessed December 2, 2025, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%5B%22001-96005%22%5D%7D>.

<sup>13</sup> The prohibition of refoulement is absolute. See European Court of Human Rights, *Saadi v. Italy*, application no. 37201/06, judgement of 28 February 2008, para. 64, accessed December 2, 2025, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%5B%22001-85276%22%5D%7D>.

<sup>14</sup> Rayan Freschi, "Kamel Daoudi: France's longest serving 'house arrest prisoner'," *The New Arab*, last updated June 21, 2023, accessed December 2, 2025, <https://www.newarab.com/features/kamel-daoudi-frances-longest-serving-house-arrest-prisoner>.

<sup>15</sup> Four of the men hold dual Moroccan nationality and the fifth dual Turkish nationality, and the ruling means they can now be deported to their country of origin.

<sup>16</sup> "French Court Upholds Stripping of Nationality for Terrorism," *RFI*, last modified June 8, 2016, accessed December 1, 2025, <https://www.rfi.fr/en/france/20160608-french-court-upholds-stripping-nationality-terrorism>.

no violation of Article 8 (right to private life). In doing so, it reinforced the Council of State's proportionality analysis, ruling that the deprivation did not have disproportionate consequences for their private lives given the gravity of their terrorist acts, which the Court recognized as a "serious threat to human rights" in themselves.<sup>17</sup>

Furthermore, the ECtHR clarified two critical legal points. First, it confirmed that deprivation of nationality under Article 25 of the French Civil Code is not a criminal sanction within the meaning of Article 4 of Protocol No. 7 (protection against double jeopardy). This rejected the applicants' claim that it constituted a "disguised punishment." Second, it emphasized that because the applicants retained their other nationality, the measure did not render them stateless, and it did not automatically entail deportation, preserving their ability to challenge any future removal through appropriate legal remedies.

Thus, the Ghoumid ruling provides a significant jurisprudential foundation at the European level, validating the French system's approach. It establishes that citizenship deprivation, when applied with safeguards against statelessness and under rigorous judicial oversight, can be a legally sound, non-punitive, and proportionate consequence for actions constituting a profound breach of the duties inherent in nationality. The French model thereby balances a punitive, post-conviction logic with robust national and supranational judicial oversight, creating a layered legal check on executive power.

## **1.2 Germany: the Precautionary Surgical Model: Administrative Deprivation for Foreign Combatants**

Germany represents the most recent and narrowly tailored legislative response. For years, German law only permitted deprivation for dual nationals who joined a foreign state's military, leaving a gap regarding fighters for non-state actors like ISIS. This changed with a reform effective from August 2019, which amended Article 28 of the Nationality Act to allow deprivation of dual nationals who have "concretely participated in combat operations by a terrorist organization

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<sup>17</sup> *Ibid.*

abroad".<sup>18</sup> Notably, this provision does not require a criminal conviction, relying instead on administrative evidence, but it is explicitly non-retroactive. Similarly, Section 28(3) of Nationality Act further states that the decision to revoke is made by a regional or national state authority, not by a court. As such, while not yet yielding published case law due to its novelty, its potential application is significant given the estimated "low three-digit number" of dual nationals among the roughly 1,050 German foreign fighters.<sup>19</sup>

The rationale was articulated in starkly preventative terms by government officials, emphasizing that the measure targets "concrete participation in combat operations for a terror militia abroad". The German model therefore constitutes a forward-looking, specific instrument designed to surgically address the particular threat of combatant foreign fighters, marking a deliberate and circumscribed entry into the practice of citizenship stripping as a security tool.

### **1.3 Italy: the Politically Symbolic Model: Discriminatory Design and Theoretical Risk**

Italy's framework for citizenship deprivation is established by Article 14 of the Security Decree 113/2018, a preemptive and politically symbolic measure adopted during the tenure of then-Interior Minister Matteo Salvini. The authority rests with the President of the Republic, acting on the proposal of the Minister of the Interior, and can only be triggered within three years of a final criminal conviction for terrorism-related offenses.<sup>20</sup> Crucially, the law targets a specific category of citizens: naturalized individuals, those who acquired citizenship through marriage, or those born and raised in Italy until the age of 18. This creates a foundational distinction between birthright and "acquired" citizens, a design criticized as inherently discriminatory by NGOs and legal scholars for violating the principle of equality.<sup>21</sup>

In the same vein, while French law expressly prohibits statelessness, the Italian decree remains ominously silent on this requirement, creating a significant vulnerability. A significant and

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<sup>18</sup> Bundesregierung, Deutscher Pass kann aberkannt werden (Berlin: Bundesregierung, 9 August 2019), accessed December 3, 2025, <https://www.bundesregierung.de/breg-de/service/gesetzesvorhaben/deutscher-pass-kann-aberkannt-werden-1596980>.

<sup>19</sup> Maarten P. Bolhuis and Joris van Wijk, "Citizenship Deprivation as a Counterterrorism Measure in Europe; Possible Follow-Up Scenarios, Human Rights Infringements and the Effect on Counterterrorism," 2020, *op.cit.* (note 9).

<sup>20</sup> Arianna Vendaschi and Chiara Graziani, "Citizenship Revocation in Italy as a Counter-Terrorism Measure," *VerfBlog*, January 29, 2019, accessed December 3, 2025, <https://verfassungsblog.de/citizenship-revocation-in-italy-as-a-counter-terrorism-measure/>, DOI: 10.17176/20190211-215013-0.

<sup>21</sup> *Ibid.*

concerning legal gap is the decree's silence on the requirement of a second nationality, meaning individuals stripped of Italian citizenship risk statelessness if their country of origin does not recognize them, directly conflicting with Italy's obligations under the 1961 Convention on the Reduction of Statelessness.<sup>22</sup>

This securitization of citizenship unfolds against a backdrop of what scholars' term "Italian exceptionalism"; the country's relatively lower incidence of jihadist terrorism and a smaller contingent of foreign fighters compared to France or the UK. The threat is perceived as emergent rather than immediate, with Italy viewed as a symbolic target and transit hub, yet authorities have noted a rise in domestic, online radicalization and homegrown sentiments.<sup>23</sup>

Despite this robust legislative creation, born from a political narrative of securitizing migration and citizenship, the measure remains purely theoretical; Italy has not applied it in practice, partly due to its historically lower exposure to jihadist attacks compared to other Western European nations. Consequently, the measure operates primarily as a deterrent or a legislative artefact of post-9/11 counterterrorism policy. Its profound implications for human rights, procedural safeguards, and tangible security outcomes therefore remain entirely theoretical and unexplored in Italy's domestic arena.

#### **1.4 The UK: the Executive Pre-emption Model: Statelessness and Extraterritorial Exclusion**

In stark contrast, the UK exemplifies the most expansive and frequently utilized approach. Its legal cornerstone is Section 40 of the British Nationality Act 1981, which empowers the Home Secretary to deprive an individual of citizenship if satisfied it is "conducive to the public good"; a standard that requires no criminal conviction and grants significant executive latitude.<sup>24</sup>

A pivotal and controversial 2014 amendment created an exception to the prohibition of statelessness, allowing the deprivation of naturalized citizens even if it renders them stateless, provided there is a belief they could acquire another nationality. This framework has been applied

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<sup>22</sup> Beatrice Nardi, Citizen Deprivation as a counterterrorism measure in Europe: the challenge of balancing State security with human security, 2022, *op.cit.* (note 7), pp. 65-69.

<sup>23</sup> *Ibid.*

<sup>24</sup> Maarten P. Bolhuis and Joris van Wijk, "Citizenship Deprivation as a Counterterrorism Measure in Europe; Possible Follow-Up Scenarios, Human Rights Infringements and the Effect on Counterterrorism," 2020, *op.cit.* (note 9).



in high-profile, extraterritorial cases that underscore its preventative logic and its consequent dilemmas. This approach received significant legal validation in *K2 v. the UK* (2017), where the ECtHR declared an application against citizenship deprivation inadmissible.<sup>25</sup> The Court found that the Home Secretary had acted lawfully in depriving a naturalized citizen who had left the UK of his citizenship on national security grounds. Crucially, it affirmed that Article 8 of the Convention does not oblige a State to facilitate a deprived individual's return to pursue an appeal, effectively endorsing the UK's practice of extraterritorial deprivation and appeal proceedings conducted in absentia. The ruling underscored that where statutory appeal rights and judicial review exist and have been exercised, even through special advocate procedures involving secret evidence, the Convention is not violated, provided the individual is not rendered stateless as he holds a Sudanese citizenship.

The case of Shamima Begum is paradigmatic. Deprived of her British citizenship in 2019 while detained in a Syrian camp, her subsequent legal battle reached the UK Supreme Court.<sup>26</sup> The Court's ruling was definitive: national security assessments by the Home Secretary, who argued her return would present a public threat, justifiably overrode her right to enter the UK to pursue a fair appeal. This decision established a critical precedent that in matters of national security, an individual's right to a fair hearing can be suspended indefinitely.

The judgment effectively demonstrates how deprivation can be deployed as a preemptive, extraterritorial tool, severing the legal bond of citizenship while simultaneously nullifying the core procedural rights typically attached to it. As a direct consequence, Begum was rendered de facto stateless, trapped in a legal and geographical limbo in a camp where reports indicate conditions

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<sup>25</sup> European Court of Human Rights, *K2 v. the United Kingdom*, application no. 42387/13, decision on the admissibility of 7 February 2017, para. 12, accessed December 2, 2025, <https://hudoc.echr.coe.int/eng-press?i=003-5648370-7152422>.

<sup>26</sup> Begum left the UK for and joined ISIS in 2015 at the age of 15 years. Her case has created political divides in the UK. For some, given that she was under aged when she left, she is a victim of grooming and online radicalization, with some arguing that she is a trafficking victim. In the eyes of others and the UK government as she was a willing participant she poses a threat to national security. The government revoked her citizenship on the ground that she is also entitled to Bangladesh citizenship. However, the state minister for foreign affairs of Bangladesh said that she would not be accepted in Bangladesh. On February 26, 2021, the Supreme Court of the UK ruled unanimously that Shamima Begum would not be allowed back into the UK. See; UK Supreme Court, *Begum v Secretary of State for the Home Department*, 26 February 2021, 7.

may amount to inhuman or degrading treatment.<sup>27</sup> Her case thus exposes the profound human rights implications of the measure, illustrating a trajectory from citizen to stateless subject, stripped of diplomatic protection and legal recourse, based on an executive assessment of risk.<sup>28</sup>

Similarly, the case of Jack Letts, a dual British-Canadian national stripped of his UK citizenship while detained in Syria, ignited diplomatic friction, with Canada accusing the UK of "unilateral action to offload their responsibilities".<sup>29</sup> These cases collectively illustrate the UK model's core characteristics: executive-driven, preventative in intent, and operating with significant extraterritorial reach, often resulting in international disputes over responsibility and effective statelessness.

## **2. Policy Implications: Security, Rights, and the Normalization of Exception**

The revival of citizenship deprivation as a counterterrorism instrument across Western democracies is not merely a tactical shift in security policy, but a transformative development with profound implications for the structure of citizenship, the logic of security, and the integrity of constitutional governance. An analysis of state practice; exemplified by the expansive British model and the more restrained but symbolically significant French, Italian and the recent German frameworks: reveals three critical, interrelated policy consequences.

First, these practices institutionalize a two-tiered system of citizenship, fundamentally contravening the principle of equality before the law. By restricting deprivation powers primarily to naturalized citizens or dual nationals; as seen in France and Italy; states legally codify a distinction between "secure" birthright citizens and "contingent" citizens whose status is conditional upon continued loyalty. This design transforms citizenship from an inalienable right into a revocable privilege for a targeted demographic, often intersecting with ethnic, religious, or immigrant backgrounds.<sup>30</sup> Such formal discrimination not only violates international human rights

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<sup>27</sup> Jamie Grierson, "Shamima Begum Ruling Sets Dangerous Precedent, Say Legal Experts," *The Guardian*, last modified February 26, 2021, accessed December 4, 2025, <https://www.theguardian.com/uk-news/2021/feb/26/shamima-begum-ruling-sets-dangerous-precedent-say-legal-experts>.

<sup>28</sup> *Ibid.*

<sup>29</sup> Dan Sabbagh, "Jack Letts stripped of British citizenship," *The Guardian*, August 18, 2019, accessed December 2, 2025, <https://www.theguardian.com/world/2019/aug/18/jack-letts-stripped-british-citizenship-isis-canada>.

<sup>30</sup> Laura van Waas and Sangita J. Jaghai-Bajulaiye, "All citizens are created equal, but some are more equal than others," *Netherlands International Law Review* 65, no. 3 (2018): p. 415, <https://doi.org/10.1007/s40802-018-0123-8>.

norms but also securitizes identity, fostering social division and alienation that may paradoxically fuel the very grievances exploited by extremist ideologies.<sup>31</sup>

Second, citizenship deprivation reveals a critical paradox in national security strategy: it prioritizes symbolic, short-term political expediency over effective, long-term threat reduction.<sup>32</sup> Framed as a tough, preventive measure, deprivation often functions as a mechanism of risk exportation rather than risk resolution.<sup>33</sup> By stripping citizenship from individuals abroad, a hallmark of the UK's approach, states externalize the problem, leaving individuals in legal limbo in conflict zones or third countries. This does not neutralize the threat but displaces it, potentially exacerbating instability elsewhere and hampering international judicial cooperation. Furthermore, by foregoing prosecution and rehabilitation, as the German model's administrative focus on 'combat participation' may facilitate, states miss a crucial opportunity to gather intelligence, dismantle networks, and address the root causes of radicalization within their own legal systems.

Ultimately, the most insidious implication is the normalization of emergency powers and the erosion of constitutional safeguards. The post-9/11 "legislative fever" has seen exceptional administrative measures, once reserved for acute crises, become routinized components of counterterrorism toolkits.<sup>34</sup> The trend toward expanding executive discretion; evident in the lowering of evidentiary thresholds, the removal of notification requirements (e.g., UK's Nationality and Borders Bill 2021), and the circumvention of full judicial review; signals a dangerous contraction of the rule of law. When courts, as seen in French and British jurisprudence, defer extensively to executive assessments of national security, the vital checks and balances that protect against arbitrary state power are weakened. Consequently, the fight against terrorism risks undermining the core democratic values of human rights, non-discrimination, and legal certainty that it purports to defend.

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<sup>31</sup> *Ibid.*

<sup>32</sup> Christophe Paulussen, "Counter-productiveness of deprivation of nationality as a national security measure," *Statelessness & Citizenship Review*, accessed December 1, 2025, <https://www.statelessness.eu/updates/blog/counter-productiveness-deprivation-nationality-national-security-measure>.

<sup>33</sup> *Ibid.*

<sup>34</sup> Christophe Paulussen, *Countering Terrorism through the Stripping of Citizenship: Ineffective and Counterproductive* (The Hague: International Centre for Counter-Terrorism, 17 October 2018), p.8, accessed December 1, 2025, <https://icct.nl/publication/countering-terrorism-through-the-stripping-of-citizenship-ineffective-and-counterproductive/>.

## Conclusion

The comparative analysis of citizenship deprivation in France, Germany, Italy, and the UK reveals a fragmented but convergent European landscape where national security imperatives are reshaping the fundamental bond of citizenship. While the legal mechanisms differ, ranging from France's conviction-based, judicially-overseen model to the UK's expansive executive-driven approach, they share a common logic: the transformation of citizenship from an inalienable right into a conditional instrument of security policy. This shift, accelerated by the foreign fighter phenomenon and the perceived limitations of traditional criminal justice responses, marks a significant departure from post-war human rights norms that sought to protect individuals from arbitrary state power.

Our findings demonstrate that despite its political appeal as a decisive and preventative tool, the strategic efficacy of citizenship stripping is profoundly limited. Rather than neutralizing threats, it frequently functions as a mechanism of risk exportation, displacing individuals into zones of conflict or legal limbo where they remain beyond the reach of rehabilitation, intelligence-gathering, or meaningful oversight. The British model, in particular, illustrates how extraterritorial deprivation creates stateless subjects trapped in a void of rights and responsibility, exacerbating humanitarian crises and straining international relations, as seen in the cases of Shamima Begum and Jack Letts. Conversely, the French and German frameworks, though more procedurally restrained, nonetheless institutionalize a tiered conception of citizenship that discriminates against naturalized individuals and dual nationals, eroding the principle of equality before the law.

Beyond questions of effectiveness, the normalization of deprivation powers carries corrosive implications for constitutional democracy. The trend toward expanding executive power, diluting evidentiary standards, and curtailing judicial oversight represents a dangerous subversion of the rule of law. Ultimately, the revival of citizenship deprivation as a counterterrorism tool represents a policy of profound contradiction. It undermines the inclusive, rights-based model of citizenship that forms the bedrock of democratic societies, while offering only illusory gains in security. Its continued political resonance, even in contexts like Italy with lower demonstrable threat levels, underscores its potency as a symbolic gesture of sovereign power. However, as this analysis has shown, the costs of this symbolism are high: the erosion of legal equality, the compromise of fundamental rights, and the legitimization of exceptionalism within ordinary law.

Moving forward, a recalibration is urgently needed. Effective counterterrorism must be grounded in justice, not exclusion. This requires reinvesting in robust criminal justice systems capable of prosecuting terrorism offences, developing evidence-based rehabilitation and reintegration programs, and fostering international cooperation rather than unilateral exile.<sup>35</sup> Citizenship, as the foundational link between the individual and the state, must be preserved as a right guaranteed to all, not a privilege reserved for some. Only by reaffirming this principle can European democracies credibly combat terrorism without compromising the very values they seek to defend.

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<sup>35</sup> International Commission of Jurists (ICJ), *Counter-Terrorism and Human Rights in the Courts Guidance for Judges, Prosecutors and Lawyers on SOLFDWLRQ of EU Directive 2017/541 on Combatting Terrorism* (Geneva: ICJ, November 2020), pp. 7-19, accessed December 1 2025, <https://www.icj.org/wp-content/uploads/2020/11/Guidance-counter-terrorism-ENG-2020-1.pdf>.

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