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# Unmaking citizens: passport removals, pre-emptive policing and the reimagining of colonial governmentalities

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## ABSTRACT

With the intensifying securitization of Western borders in the global War on Terror citizenship rights are increasingly fragile. Measures introduced by the British government to deal with the terrorist threat at home include citizenship deprivation, temporary exclusion orders as well as passport removals. Whilst citizenship deprivation has provoked critique for its potential violations of international human rights conventions on statelessness, cancellations of passports have not been subjected to the same kind of critique. Drawing on recent debates and interview data we demonstrate the alignment of citizenship deprivation and passport removals and conclude that these measures serve the same goal: of unmaking citizens. In this paper, we discuss findings from novel empirical research with individuals who have been removed of their British passports to illuminate the racialized dynamics of this process and the reconfiguration of racial governmentalities.

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## Introduction

Citizenship, it seems, is being formally institutionalized as a privilege, not a right. Even as its premise as a universal entitlement has always been subject to numerous limitations and qualifications based on raced, classed, gendered and sexualized exclusions (Goldberg 2002; Mills 1997; Welke 2010), of late it appears that in the name of national and global security greater conditions are to be placed on this nominal right, such that citizenship itself becomes a disciplinary device. In a defiant counter to the human rights-based discourse, numerous Western states have made moves to tie citizenship rights to conduct and behaviour emphasizing its provisional nature and invoking citizenship deprivation as the ultimate punitive measure with

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which to sanction unruly subjects. While since 2002 Britain has taken the lead in updating the terms upon which citizenship can be denied, other states have followed suit and passed similar measures in recent times. Canada expanded the terms upon which citizenship could be removed in 2014 to include individuals convicted of terrorist activities (Stasiulis 2017);<sup>1</sup> Belgium passed a provision in 2015 which allows for the removal of citizenship of dual nationals who have been sentenced to more than five years in prison for a terrorist offence (HRW 2016); Australia passed legislation in 2015 to ensure that dual nationals accused of fighting for a declared terrorist organization are stripped of their citizenship along with their children (Thwaites 2015); Germany initiated discussions in 2016 around citizenship stripping of dual nationals linked to terror groups (Huggler 2016); France attempted to expand powers to strip dual nationals of citizenship to those who were French-born if convicted of terrorism, though these proposals were later dropped (Willsher 2016); and the far-right Sweden Democrats Party has proposed similar measures though thus far they have been rejected (SVT 2015). The scope of these measures, which operate in tandem with intensifying securitization of European/Western borders to quash the inflow of refugees and migrants, comes to indicate a global shift in approaches to border policing which increasingly extends the border internally and opens up greater possibilities for *unmaking* citizens.

In order to address the restrictions placed on the practice of citizenship deprivation directed by international conventions which inhibit the enactment of statelessness, in the UK a whole raft of measures have been passed in tandem, essentially facilitating a process of deprivation by proxy. These measures effectively operate to achieve variations of expulsion, whether that be by banishing subjects outside of state borders or through imposing forms of “internal exile”, and are used in order to deal with a range of different legal subject positions ranging from foreign nationals, to naturalized Britons and British-born citizens. Consequently, in its broader scope, the process of citizenship denial has involved both widening the terms upon which citizenship can be deprived and introducing proxy measures such as temporary exclusion orders as well as removing passports for an indefinite and unspecified period of time (Kapoor 2016). Pertinently, where the finality of the former has provoked critique for its potential violations of international human rights conventions on statelessness (Gibney 2013; Macklin 2014), the removal of passports is more ambiguous in rights terms. In contrast to the process of citizenship deprivation which has provoked lengthy litigation, at times going on for years even as the Government has sought to quash possibilities for appeal (e.g. *Hilal al Jedda v UK*), passport removals have not as yet been held up to the same kind of scrutiny because they do not pose the same kind of legal violations against, for example, the international convention on statelessness.

The alignment between the variations on deprivation of citizenship with the formal measure itself was revealingly noted by David Cameron (2014) speaking in the House of Commons following his attendance at a special European Council meeting which deliberated on Europe's response to insurgency movements in eastern Ukraine, Iraq and Syria, Gaza and Libya. In emphasizing the need to simultaneously deal with the terrorist threat at home, he observed that powers already existed to deport and exclude suspect foreign nationals (Nationality, Immigration and Asylum Act 2002; Immigration, Asylum and Nationality Act 2006), that dual nationals with British citizenship could be deprived of their citizenship through legislation that had been passed since 2002 (Nationality, Immigration and Asylum Act 2002), that naturalized Britons could have their British nationality removed and effectively be made stateless if it was thought that they could acquire citizenship elsewhere (Immigration Act 2014) but that there was "a gap in our armoury" for dealing with citizens born and raised in Britain who did not possess another nationality. Passport removals and temporary exclusion orders offered a solution.

Beyond the political rhetoric, however, there has been little scrutiny, documentation or analysis of what the nature of these processes entail and thus little consideration of how they might extend or relate to racialized dimensions of citizenship exclusion already firmly institutionalized and conceived of as a racial governmentality (Goldberg 2002). As part of the expansion of state securitization in the context of the War on Terror a whole host of measures have been passed to inhibit and restrict everyday citizenship, most notably through the Prevent agenda (O'Toole et al. 2016) and the burgeoning literature on counter terrorist policing has indicated the racialized dimensions of these processes (Choudhury and Fenwick 2011; Fekete 2004; Kundnani 2014) including the appropriation of racial profiling and community surveillance practices for creating suspect communities (Pantazis and Pemberton 2009). While passport removals reflect another way in which citizenship is exposed as a conditional status for racially marginal subjects, there is little known about the specific detail, process and conditions via which individual passports are being removed under the remit of counter-terrorism policing. This paper offers the first academic account and analysis of just this, drawing on in-depth qualitative interviews with individuals, who have had their British passports cancelled by the secretary of state since the introduction of the public interest criteria.

We draw on the findings of interview material in order to illuminate the policing, judicial and administrative operations and infrastructures through which the process of removing passports is enacted. Our findings show how the legal process via which individuals are removed of their passports resonate with colonial governmentalities in terms of the authoritarian way in which the measure is enforced. They also make stark the pre-emptory nature of passport removal as a policing practice, helping to further

institutionalize systems of preventative policing. We go on to discuss the material impact of passport removals in terms of citizenship status, as illuminated by our participants, and reflect on the continuities with the broader discourse of citizenship as a marker of inclusion/exclusion. The sum of all of these elements illustrates the deepening and extension of racial governmentalities with its attendant marginalizations and exclusions.

### **The legal and bureaucratic regime of passport removal**

One of the noteworthy expressions of War on Terror policing has been materialized in terms of enhancements to border control and surveillance which have included shifts in the management of citizenship. As a mechanism of legal and social exclusion enacted by the state, while the formal retraction of citizenship in the contemporary is bound up with issues of national and global security, it draws on and extends much of the institutional state apparatus developed historically for marginalizing, excluding and expelling racially Othered populations (Balibar 2015; Bhambra 2015). Its retraction for punitive purposes to assist with counter-terrorism policing is legitimated not simply in terms of managing the racial composition of the nation-state, in the way in which we might ordinarily understand the workings of the racial state (Goldberg 2002), but as recourse for dealing with security “threats to our way of life” (Cameron 2014). In many ways the removal of passports sits within a broader spectrum of measures, enforced through executive power, which work to deprive or suspend citizenship, the application of which has been growing in use as part of the intensification of counter-terrorism policing under the War on Terror (Kapoor 2018; Macklin 2014; Ross 2014), as illustrated in Figure 1.

Where the exact terms via which some exclusionary measures, such as Temporary Exclusion Orders, might operate in practice remain practically and legally uncertain,<sup>2</sup> Royal Prerogative powers to remove passports have some historical precedent, first discussed in Parliament in 1955 (*XH v. Secretary of State* 2016) and revisited on several occasions. The provisions were enhanced significantly, however, when they were updated in April 2013, and set out in a Written Ministerial Statement by Theresa May (2013). The revised policy established that there was “no entitlement to a passport and no statutory right to have access to a passport” (May 2013) and reconfirmed that the “decision to issue, withdraw or refuse a passport” was at the discretion of the Home Secretary. Whilst it was reasserted that the enforcement of this measure “must be necessary and proportionate” and that refusal on the grounds that it was in the “public interest” to do so was to be used “only sparingly”, the “public interest” criteria for refusing or withdrawing a passport was itself redefined. The new criteria of assessment would account for a person’s “past, present or *proposed* activities” (May 2013, emphasis added). Largely aimed at targeting British nationals *suspected* of engaging



**Figure 1.** Techniques of citizenship deprivation and deformation.

"in terrorism-related activity or other serious or organised criminal activity", the policy specifically referred to "individuals who seek to engage in fighting, extremist activity or terrorist training outside the United Kingdom" (May 2013) who might subsequently return to Britain. In practice, our research indicates, passport removals have been used against individuals resident in Britain who become marked as suspect, though Government reports indicate that a number of British citizens abroad have also had their passports cancelled in 2017 (Shipman, Kerbaj, and Gadher 2017).

The operational responsibility for assessing the application criteria rests with HM Passport Office (formerly the Identity and Passport Service) who are obliged, at the point of granting passports, to check the identity and nationality of applicants, as well as verify that there are no reasons to exempt on other grounds including public interest criteria. The exact process via which the Passport Office establishes whether an applicant is deemed to be suspicious by the Home Secretary is shrouded in secrecy and remains unclear but from the interviews we carried out, it seems both the Passport Office and the Home Secretary rely on knowledge and requests from the intelligence services for refusing or withdrawing passports. When the Home Affairs Committee subsequently discussed use of the power in 2014, it noted that because passport removals operated as a Royal Prerogative power there was no obligation for the Home Secretary to report its use to

Parliament, “and that it was not subject to any scrutiny external to the executive” (Home Affairs Committee 2014). They recommended that the Home Secretary report quarterly on its use to the House of Commons and allow the Independent Reviewer of Terrorism Legislation to review use of the power. The first report, due in 2017, remains unpublished at the time of writing.

For those already in possession of a passport, the Home Secretary can simply make an order, based on information from multiple (police and intelligence) sources, that a person’s passport should be cancelled. To supplement the Home Secretary’s powers, additional legislation permitting crown officials to seize cancelled passports were passed in 2014. A schedule was introduced into the Antisocial Behaviour Crime and Policing Act 2014 which requires the return of a cancelled passport and allows the police to search for and seize it, and any other travel document. Between 2005 and 2012 no individuals had their passport removed under the royal prerogative<sup>3</sup> but in 2013 there were six cases reported, in 2014 there were an additional twenty-four cases and in 2015, twenty-three cases reported (Anderson QC 2016, 8). The indication is that trends have continued at similar levels with Home Office officials stating that they expect the powers to be used more widely than previously (Shipman, Kerbaj, and Gadher 2017).

Though the confiscation of one’s passport does not equate in legal terms to the deprivation of citizenship, the symbolic and material ramifications on one’s daily life echo the experience of the undocumented. In Britain, passports are not only required for employment purposes, but for renting accommodation, opening a bank account, accessing health and welfare services and learning to drive (Immigration Act 2014).

## Methods and profile of participants

The empirical data presented in this paper were gathered as part of the Economic and Social Research Council (ESRC) funded project *Deport, Deprive, Extradite* investigating race, citizenship and the state in the context of the War on Terror. We draw here on qualitative fieldwork undertaken between November 2015 and November 2016 in the UK. We conducted eight interviews with individuals whose passports were cancelled. Where they exist, we have analysed legal judgments and documentation relating to some of these cases using content analysis. We also interviewed a lawyer and met with two Muslim organizations that support these individuals in a variety of ways from legal support to counselling. They also assisted us with the recruitment of the participants. Due to the sensitivity of this work and ongoing legal proceedings in many of the cases, we did not record the interviews. Instead all were conducted by two researchers and detailed notes were taken each time. We sent the notes back to participants to check through and as far as possible tried to encourage participants to have their lawyers approve them too. The

notes were subsequently analysed and coded. All data is anonymized and any identifiable information has been altered to protect the identity of our interviewees.

We interviewed seven males and one female. The interviewees were between the ages of twenty-five and forty-five and all identified as Muslims. In one of the cases, the participant's underage son, who we did not interview, had his passport removed as well – we draw briefly on his case. Apart from one case, none of the interviewees had their passports returned to them at the time of the fieldwork. Five participants (Ibrahim, Bilal, Amir, Mohammed and Mustafa) were married, four of them had children. Two participants (Shamim and Karim) were younger, both were single men living with their parents and extended family. One participant (Ayesha) was divorced and had three children.

The interviewees were employed in various fields including health care, service industry, the charity sector and food industry. Two participants ran their own businesses. Most of the individuals we met worked at the time of the interview although the cancellation of their passport had impacted on this, particularly in one case where a negative result from a Disclosure and Barring Service (DBS) check meant alternative employment had to be found. The measure also impacted one interviewee's living situation, forcing them to move. Almost all of the interviewees were born in the UK, one participant arrived to the UK as a refugee and was settled in the UK.

Some of the participants were politicized and active in the Muslim civil society. One engaged actively in Da'wah activities in the UK (preaching Islam to non-Muslims), four volunteered with Muslim charities, had been on aid convoys and two took active part in debates regarding Islam. Others, while identifying with Islam, were not politicized and did not engage publicly on issues relating to their religious identity.

Most of our interviewees were men, which to some degree reflects the gendered variations in counter-terrorism policing (Bhattacharyya 2008). As use of passport cancellations has progressed, anecdotal evidence suggests more women have been targeted but they make up a small proportion of our interview sample. There appear to be clear gendered dimensions to patterns of criminalization. Women are often criminalized through their association with Muslim men in terms of their status as wives, mothers or sisters, often accused of assisting or planning to travel to Syria. Disciplinary measures have on numerous occasions involved removing their children from them. This broader trend is reflected in the story of our interviewee, Ayesha. Ayesha's story echoes those of other women we spoke to but were unable to formally interview due to legal proceedings. We do not include their stories in our data.



## Citizenship as a disciplinary device

The initial call for expanding the scope of deprivation powers in 2002 was framed within a broader integrationist narrative that re-connected immigration politics with domestic approaches to race-relations where the assertion was that the future of British security rested on promoting a new sense of British national identity based on shared values (Home Office 2002; Kundnani 2007). Citizenship deprivation was thus the most punitive end of broader revised approach to citizenship which was being re-constructed as something to be earned, proven through citizenship tests, language tests and oaths of allegiance to the Queen (Kapoor 2018). The target of this new form of “integrationism” (Kundnani 2007) was largely British Muslim communities who have continued to represent the archetypical Other in state constructions producing the ideal citizen. If citizenship has always been a privileged category (Bhambra 2015; Goldberg 2002), defined as much by who is excluded from it as who it includes, the advancement in state powers to deprive is indicative of the mobilization of citizenship as a disciplinary device.

This shift in the way citizenship has been conceptualized has been aided significantly by the representation of the ultimate denizen in the form of the trope of the terrorism suspect. A signifier which symbolically starkly opposes that of the citizen through the criminalization that it conjures (Kapoor 2018), citizenship deprivation or suspension in some form follows as an appropriate material response. Over the course of the twenty-first century as the War on Terror has intensified, discourses aligning British Muslims with terrorism have saturated political and media representations with the effect of symbolically excluding from the nation those with legal citizen entitlements. Related escalation of counter-terrorism legislation has come to infiltrate the everyday policing practices administered in these communities. Constant subjection to measures of surveillance and control, whether that be through experiences of stop and search within communities or at airports (Blackwood, Hopkins, and Reicher 2013), through community surveillance programmes (Kalra and Mehmood 2013), or through interventions made by education, health or social welfare professionals sanctioned via the Government’s Preventing Violent Extremism (Prevent) programme (Choudhury and Fenwick 2011), have come to frame young British Muslims’ lived experiences of citizenship. It is against this context that our interviews took place and the ease with which narratives shifted between general forms of community policing which have been institutionalized through Prevent and the respondents’ own experiences of citizenship denial illuminated clear continuities between the formal exclusion enacted through suspending one’s identity papers and the more ambiguous forms of “internal exclusion” that deny legal citizens their full spectrum of social and political rights.

The culture of everyday criminalization and alienation were commented upon by our research participants who often spoke of multiple experiences of harassment (for sometimes years) before they had been accused of extremist activity that led to their passports being removed. Many of the interviewees had families abroad and frequently encountered problems at the airport, being searched, detained for hours and in some cases missing their flights. Here the racial dimensions of profiling were particularly noted:

I don't wear niqab at airports because I don't want to get harassed so I wear hijab. (Ayesha)

After 9/11, 7/7, [if] you got a beard, [a] certain way of dressing, you [are] targeted in airports. Every Muslim, people are worried. They can see its very against them ... Picking on people and making them like aliens. (Mohammed)

With the Muslims it is a different set of laws, if you have a ripped shoe they will think you are a shoe bomber ... You are already guilty. It is for you to prove your innocence. (Amir)

Community surveillance including the surveillance of mosques which have been a prime focus of counter-terrorism policing strategies was pointed to as creating "a climate of fear" (Ibrahim) amongst Muslims and the need to perform self-censorship was seen as imperative. Possibilities for resisting overly zealous policing practices were inhibited by restrictions on freedom of expression. Ibrahim, for example, explained that Muslims "can't get angry. If he has got an opinion or a view he can't express it ... Many youth who are getting arrested it is because of their tongues, of what they are saying".

The consequence of this suppression of dissent was articulated in terms of an increasing impossibility to be both "British" and "Muslim", a feeling propelled by British foreign policy and military interventions across the Muslim world, particularly in recent times in Syria. In this sense there was a significant disconnect between the political rhetoric which has often equated all British Muslim interest in the war in Syria with extremist tendencies, illustrated, for example, by Cameron's (2014) statement that those who "declare their allegiance elsewhere [Syria]" should not enjoy the privileges of British citizenship, and the more complex positioning of these subjects who ranged in their political views, generally opposed military intervention and occupation, in a number of cases had engaged in charity work to assist the plight of refugees which aligned with commitments to their faith, but still often expressed Britain as their home.

### **Re-orienting colonial governmentalities**

The power of the trope of the terrorism suspect, as a signifier conjuring national and global security threat, is that it legitimates the use of

counterinsurgency techniques as the appropriate disciplinary response. Since this in part stems from a particular colonial genealogy in which the trope is rooted, where terrorism has been a way of disavowing anti-colonial and anti-imperial resistance (Kapoor 2018) and validating military force, the growing use of counter-terrorism policing as part of everyday domestic policing in Britain provides opportunity to re-orientate colonial governmentalities. Notable particular features here are mass surveillance, racial profiling and pre-emptive policing, as well as the dispensation of justice through administrative measures that operate outside of the ordinary criminal justice system. In the practice of passport cancellation, this was apparent. The initial experience of passport confiscation varied between participants. For some, it came after they had been stopped and questioned on one or a number of occasions. In Karim's case, he was subject to a number of schedule 7 stops before the third time when the police seized some of his personal possessions including his passport as permitted under investigatory counter-terrorism powers. On the eve of the day that authorities were obliged to return it, a police officer came to his family home and informed him that the Home Office would be cancelling his passport which, he was reminded, was the property of the crown. The letter that he presented to us during the interview stated: "There is no entitlement to a passport" and proceeded to lay out justifications for its cancellation.

Similar incidents and turns of phrase were reported by others. Shamim applied to the Passport Office to have his passport renewed but did not hear back. On a later visit to a police station he was handed a letter which did not provide detailed reasons for the passport refusal, but stated that a passport was not an entitlement. In another case Mustafa had his passport taken from him at the airport, before reaching passport control and told "that having a passport is not a right, it's a privilege".

While the mode of the delivery of the letter varied – it was usually hand delivered at the airport, or another public space, sometimes delivered to their home – it typically stated that the participant had been assessed to be an "Islamic extremist" or involved in "Islamist activity". A line consistently written in all the letters we saw, read:

You are therefore considered a person whose past, present or proposed activities, actual or suspected, are so undesirable that the grant or continued enjoyment of passport facilities is believed to be contrary to the public interest.

The range of activities regarded as being suspicious were almost entirely dependent on a particular bio-cultural reading of traits and behaviours which connected Muslims to terrorism, rationalizations which have been given much ideological weight in cultural and political representations over the last fifteen years (Bhattacharyya 2008). In Karim's case the behaviours cited as sufficient cause to justify the removal of his passport included

being late to the airport before a flight, having encryption software on a USB stick that he was carrying, previously attempting to go on an aid convoy to Syria and displaying “bad character” – a judgement based upon hesitant responses during a schedule 7 stop and providing a business email address rather than his personal email address. His lawyers had countered these assertions by stating that the DLR had been suspended on the day he was travelling to the airport, that the Police had returned the USB to him which was an indication that they were not concerned with material on there, and that his intentions to go on an aid convoy were entirely legitimate. In an initial court hearing to contest the process and recover his personal belongings, the judge noted that while each of the points made only raised a minor suspicion, collectively they amounted to something more serious, and so approved the retention of his passport.

The interviewees revealed a range of acts that were cited by authorities for justification of suspicion, including carrying a sizeable amount of cash before a trip abroad. Participation, or attempts to participate, in aid convoys to Syria was frequently cited as a reason for suspicion. Shamim explained that proof of his voluntary work at a refugee camp in Turkey had been disregarded. Some connection or association, even tangential, with an individual deemed to be suspicious or engaged in “extremist activities” was also mentioned as a prompt for state intervention, a practice that others have also discussed to be a frequent habit in the policing of terrorism (Kundnani 2014), and one that in invoking guilt by association draws upon racial governmentalities used in policing gang-related crime, sanctioning collective punishment (Williams and Clarke 2016). In Haydar’s case, when his lawyers queried the decision to remove his passport, the Home Office replied, that he was “assessed to have an extremist mind-set”, to have “published via social media a body of Islamist extremist material”, and that his brother was suspected of fighting with ISIS.

Perhaps the starkest illustrations of racial profiling are apparent in the charges based on character grounds where assessments of “bad character” were sufficiently all-encompassing to allow for an array of behaviours to be criminalized. During interrogations by the security services, the interviewees reported being asked questions relating to their Islamic beliefs and practices, as well as their associated political views, provoking a sense that commitment to Islamic faith was enough to be considered as “sufficiently predisposed” to violence (Kumar 2012, 147). They reported being asked questions such as “do you believe in democracy” (Ibrahim), “what do you think of Lee Rigby?” (Amir) as well as their general views on issues such as Osama bin Laden, and the wars in Iraq, Afghanistan and Syria. One interviewee had her favourite hoodie taken by police because it had “Pray for Syria” written on the front: “I saw them packing the top, I thought: what are you for real?” (Ayesha). Pointing to the inflection of cultural pathologization within the criminalization process,

Amir indicated that such interrogations were premised upon proving that one was a “good Muslim”, against the assumed normative positioning of being a “bad Muslim”, illustrating the reductive nature of “culture talk” (Mamdani 2004).

The issue of character as condition of the privilege of citizenship was also related to a perceived willingness to work for the state. Most of the interviewees reported being asked to work for the security services, often on numerous occasions, and sometimes warned that it would be in their best interests to do so. In some of these cases, passports were removed shortly after the respondents had made clear they were unwilling to cooperate. As one interviewee explained: “If you don’t work with us, travelling is gonna get harder for you [they said]. [They gave me a] card, [and said] give me a call” (Mohammed). A practice that has been reported in other scholarly work on similar issues (Kundnani 2014) as well as in the media (MacAskill 2015; Verkaik 2009), and confirmed by lawyers we interviewed, it relayed a deeper meaning to the broader policy framework positioning citizenship as something to be “earned” (Cameron 2013; Home Office 2008).

Where the evidentiary basis for denying citizenship was often reliant on racially informed readings of behaviour, the process via which citizenship was suspended relied on an entirely administrative, rather than judicial, system. One of the interviewees reflected this as he recalled being escorted off an aeroplane by police officers:

“We got a letter from Theresa May to give to you”, [they said] ... The date [on the letter] was tomorrow’s date, it was dated one day in the future, that’s weird. They were trying to be precise and vague at the same time. They said on the letter, you are a British national who is engaged in terrorism related activities, definite article here. (Amir)

Even as the letters stated that respondents were charged with being “Islamic extremists”, the entire process was instigated by order of the executive – through the royal prerogative – and at the time of being removed of their passports, none of the respondents had been criminally prosecuted through the criminal justice system. In this process of charge without prosecution via an “independent” judicial system there are echoes of the authoritarianisms deeply connected to colonial and imperial projects (Arendt 1968). The implication of no official criminal charge means it is extremely difficult to “appeal” against the “conviction”. While it is possible to request a judicial review of the decision through civil proceedings, cuts to legal aid restrict the possibilities in practice. The colonial mentality of the system is echoed further in the “closed proceedings” permitted in such a review. Amir, who had initiated a review of the decision to cancel his passport stated that the government had requested that the arguments pertaining to his alleged “bad character” be heard in secret with the implication that neither him nor

his lawyer would be privy to the evidence and thus be able to contest it.<sup>4</sup> He explained:

Me, I'm indefinitely, without trial or process. I don't even know the grounds [upon which my passport was removed]. If I am involved in terror-related activities, then why not put me on trial? I find that very strange ... The injustice of even that law is so bad. The closed hearing, I can't be there, even my solicitor can't be there. I asked for their reasons and grounds, all they're doing is making application after application to make it a closed hearing, [it] would be better for them cause they don't have to answer to me. (Amir)

Others also expressed their frustration at this process:

And that's the most extreme level in my view, is that, let's deprive this person's ability to travel, just in case. And he won't be able to challenge why because we won't tell him why, we won't explain to him. Based – we'll never show him the evidence for it. You can't test or challenge that, that premise is based on classified information. (Mustafa)

The resolve to maintain such powers, in spite of the lack of transparency around the process that was noted by the Home Affairs Committee (2014), was expressed by David Cameron in 2014 who in responding to the legal challenges being made to the use of royal prerogative powers in court, ensured that any judgement that threatened the operation of the power for removing passports would be quashed by the introduction of primary legislation “so that Parliament, not the courts, can determine whether it is right that we have this power” (Cameron 2014).

### **Impact of passport removals: unmaking the citizen**

The material reality of passport removals in many ways leads to the creation of a new kind of denizen subject that cannot be officially expelled from the nation-state but instead internally exiled. Its significance rests perhaps in its illustration of the futuristic nature of colonial governmentalities (Gilroy 2010) exemplifying as it does the enduring presence of colonial statecraft within contemporary Britain for managing racially undesired subjects. The implications for our respondents of having their passports removed far exceeded restrictions on travel, it had implications for their relationships, employment, housing, mental health and family life:

You can't travel with your family anywhere ... So recently they went to Saudi Arabia during Ramadan ... all my family went, but I didn't ... When they're making the plans, the preparations for travel abroad and whatever, they just have to count me out or somebody stays behind just so I don't feel bad. (Mustafa)

Since most of the interviewees' had relatives abroad, their ability to connect with extended family was restricted. Others spoke of the negative implications

for their marriage prospects and on their ability to work (Shamim and Karim). Amir spoke about the impossibility of applying for jobs, “if you don’t have a passport, they suspect you are a migrant”, noting the continuities between the “enemy within” and the “enemy at the gate” (Sivanandan 2006) and highlighting the merging of anti-terrorism and anti-immigration legislation. The consequences, he felt, were that people were being “pushed underground”. For Ayesha, passport removal put her in a precarious housing situation: “It was difficult to get a flat without the passport ... I found a landlord and spoke to him privately.” In another case Shamim reported that on applying for a job for which he had been required to undertake a DBS check, the record came back reporting that he was suspected of funding terrorism, even though he had faced no such charges. Others who had employment were worried about what would happen if their employers found out that their passport had been removed: “People at work don’t know, but I’m worried the police will come and tell them” (Ayesha). Bilal expressed similar anxiety. Despite being the only one of our participants who had his passport returned to him he has been criminalized in other ways including having his bank account frozen.

There were broader feelings of estrangement and isolation expressed, not just in relation to the state, but also from within one’s own community where suspicion had led to increasing experiences of alienation with neighbours and some family members fearful of being seen as “guilty by association”:

People get scared not because they think you did anything but because they are scared. Because we all know each other. Extended family, they don’t phone to the house ... Lots of people try to keep it hidden, myself I haven’t spoken to many people. (Shamim)

What they did to us has ostracised us in the community ... Women that I used to hang out with, go to dinner, movie with ... the parents at the school. I have no friends. (Ayesha)

For Ayesha and other participants, the impact of passport removals had effects on their mental health. Most interviewees expressed feeling very upset and worried about their future. Mohammed has been in long-term therapy after his experiences and Ayesha described her situation as “a mental torture”.

Even as these cases represent the limit case and are few in number they are significant for the symbolic role they play, as illustrations of how citizenship can be unmade.

## **Conclusion: deforming and depriving citizenship**

The minor attention given to the modified forms of citizenship deprivation is compounded by the near silence on the racialized logics underpinning both

the enforcement of the process and the broader institution of citizenship itself. While the overlaying of national and global security considerations onto racialized politics of exclusion has served to blur and obscure the dynamics of state racism in play, the accounts of individuals we have interviewed here showcase the continuities, connections and advancements of the racialized dimensions of citizenship exclusion. The reliance on authoritarian practices of government, racial profiling and pathologization of individuals marked as suspect illuminate how frames and techniques of exclusion that disproportionately target racially undesired subjects are being reconfigured.

Rather than representing a stark return to medieval practices of banishment (Macklin 2014), citizenship deprivation is easily contextualized within the modern European colonial project and the entrenched racially coded logics deeply ingrained within the practices of citizenship making which have institutionalized distinctions between who is recognized and who is not (Bhambra 2015). That the weight of citizenship deprivation since 2002 has largely been felt by Muslims is pertinent in this regard (Ross 2014). Thus any shifts in legislating citizenship ought to be read not simply in abstract legal human rights terms or solely in relation to previous codes of citizenship deprivation, but with a deeper critical engagement that considers how these measures sit in relation to the broader trajectory of formal constructions (and exclusions) of citizenship and nationality.

The advancement of measures to suspend and deprive citizenship say as much about the nature of the state, in terms of its enactment of racial governmentalities, as it does about the condition of citizenship and its tentative nature. The reliance on executive power, the pre-emptive nature of criminalization, and the disregard for judicial scrutiny or oversight illuminate some of the dimensions of the racial state in its contemporary form and operation.

At the same time, the meaning of citizenship is altered. In earlier periods the politics of multicultural representation and struggles for “belonging” was complicated by the successful state estrangement between the institutions of “immigration” and “citizenship”. If the interventions relating to post/colonial migrations in the latter half of the twentieth century could more easily point to the arbitrary nature of divisions between who constituted an “immigrant” and who, in legal terms at least, a “citizen” (Sivanandan 1981), the changing nature of empire and related global migrations in more recent times facilitated a conceptual disconnect. The disciplinary practices involved in the “deportation turn” (Gibney 2008) alongside the prolific rise in the detention of asylum seekers, for example, have not always been connected to the broader governmentalities of citizenship and its internal exclusions. A central part of the domestic War against Terror, however, has been to reinvigorate and starkly illuminate these connections, to create a more fluid spectrum via which citizenship can be both gained and lost. The conditional nature of citizenship that is invoked when it is presented as something to be “earned” by newcomers



remains permanently precarious for those whose legitimacy is a perpetual question even after official legal rights have been gained.

Passport removals offer a way to implement denationalization by proxy, for subjects who are British born without alternative nationality and so for whom official deprivation is not sanctionable. If in legal terms to deprive someone of their citizenship remains quite distinct from the act of removing their passport, symbolically and materially the process of enforcing passport removal is to effectively undocument a subject, to make them “sans papier” (Chamayou 2014), to remove them of a number of automatic rights that come with formal recognition of citizenship which go beyond the imperative right to freedom of movement.

The ability to suspend citizenship through the cancellation of one’s passport is not a practice that is widespread; it has thus far impacted only a small number of individuals. However, lawyers we spoke to did indicate its growing use in other circumstances too, that were not terrorism-related. This “deprivation by the back door”, our interviewee explained happens when applications are made for passport renewal but applicants do not receive a reply. A lengthy bureaucratic process ensues to ascertain why.

You go for an interview and maybe you get accused of being an immigration offender ... and they say, “We’ll be in touch”, and you don’t hear anything. You keep writing ... two years, three years go by, you don’t hear ... If you get your MP to write ... then they say, “An issue has arisen”, they won’t tell you what it is, [just] “we’re not satisfied that you’re entitled to a new passport”.

Beyond these select cases, the significance of removing and cancelling passport lie in the symbolic nature of what the process represents and its elucidation on the nature of expanding state power. In this regard it represents much more than a restriction on one’s freedom of movement, an established right (Macklin 2014). It forms a way of restricting social, cultural, political and legal claims in a more permanent fashion. It represents a possibility for unmaking citizens.

## Notes

1. The current government promised to repeal sections of this legislation.
2. At the time of writing the authors are aware that a Temporary Exclusion Order has been used once, but there is legal confusion over what this means in practice since the person was allowed to return to Britain and then served the order.
3. Four British citizens returning from Guantanamo Bay were removed of their passports in 2005. Prior to that between, 1947 and 1976, passport removal on public interest grounds had occurred only sixteen times.
4. This procedure is used routinely in the Special Immigration Appeals Commission, a controversial court set up initially for dealing with immigration cases where national security concerns were raised since it allows for some of the evidence to be heard in secret.

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