

## BOOK REVIEW

*CITIZENSHIP IN TIMES OF TURMOIL?: THEORY,  
PRACTICE AND POLICY* EDITED BY DEVYANI PRABHAT  
(EDWIN ELGAR) 256 PAGES. PRICE £90.00 ISBN  
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*Citizenship In Times Of Turmoil?: Theory, Practice and Policy*,<sup>1</sup> edited by Devyani Prabhat, offers an extensive survey of the legal and social issues linked to citizenship in the United Kingdom, examining citizenship acquisition and loss along with immigration control. The volume discusses the fragility of citizenship when it is endangered by immigration control policies, a fragility highlighted therein through the analysis of citizenship legislation alongside migration policy. The issues explored range from gender inequality in UK citizenship, to the Windrush scandal, Brexit, citizenship deprivation and the ‘Hostile Environment’ policy.<sup>2</sup> The contributing authors are a mix of academics and practitioners, and most are in the field of law, but some come from sociology (Bridget Byrne) or philosophy (Christopher Bertram). The volume brings together technical legal analyses with case studies of those impacted by the law, and most chapters are parsimonious in the use of academic references.

The volume is organised into three parts, ‘Making British Citizens’,<sup>3</sup> on the transmission and acquisition of citizenship, ‘Holding British Citizenship and Immigration Controls’,<sup>4</sup> on migration controls linked to the Hostile Environment policies and ‘Losing British Citizenship and Immigration Controls’,<sup>5</sup> on different forms of citizenship loss or non-recognition of citizenship. In the following pages I group the discussion of individual chapters to make some of the themes more explicit, and I deal in turn with citizenship transmission, citizenship acquisition, citizenship loss and immigration controls.

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<sup>1</sup> Devyani Prabhat (ed), *Citizenship in Times of Turmoil: Theory, Practice and Policy* (Edward Elgar 2019).

<sup>2</sup> *Immigration Act 2014* (UK); *Immigration Act 2016* (UK). The provisions that constitute the ‘Hostile Environment Policy’ can be found in these *Acts*.

<sup>3</sup> Prabhat (n 1) 2.

<sup>4</sup> *ibid* 94.

<sup>5</sup> *ibid* 134.

Alison Harvey's chapter in the first part of the volume shows the continued impact of past gender discrimination in the transmission of UK citizenship, as well as past discrimination against adopted children and children born out of wedlock.<sup>6</sup> While most of these discriminatory norms were removed in the 1980s, Harvey discusses the ongoing impact on those excluded from UK citizenship at the time.<sup>7</sup> Solange Valdez-Symonds discusses the ongoing barriers to citizenship for children born in the UK from non-citizen parents.<sup>8</sup> Such barriers include the high citizenship application fee for children of parents without indefinite leave to remain (declared illegal by the UK High Court in December 2019), the good character requirement, as well as the difficulty of producing documentary evidence for some groups.<sup>9</sup> Thom Brooks looks at the shortcomings — from factual errors to questionable conceptions of integration — of the various editions of the UK citizenship test, while Byrne presents the results of ethnographic work with applicants to UK citizenship.<sup>10</sup> Byrne's interviews show a tension for the applicants between the appreciation of the security given by the UK passport — particularly with the rise of xenophobia in the UK — and the ambiguity of naturalising in a context that does not recognise their pre-naturalisation membership in the British society nor, to a degree, full membership after naturalisation.<sup>11</sup>

The second and third parts of the volume include chapters dealing with citizenship, as well as chapters focusing more on immigration controls and in particular on the Hostile Environment policy announced by the British government in 2012 and implemented through subsequent legislative reforms. Colin Yeo discusses citizenship deprivation in the UK showing how, since the 2000s, the increased powers of the Home Secretary to deprive individuals of citizenship for issues of national interest and severe crimes have made UK citizens, and in particular naturalised and dual citizens, deportable on the basis of a growing list of crimes.<sup>12</sup> Patricia Mindus analyses 'Brexit' — the exit of the UK from the European Union — as a collective loss of EU citizenship for UK citizens

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<sup>6</sup> Alison Harvey, 'Discrimination in British Nationality Law' in Devyani Prabhat (ed), *Citizenship in Times of Turmoil: Theory, Practice and Policy* (Edward Elgar 2019) 2.

<sup>7</sup> *ibid.*

<sup>8</sup> Solange Valdez-Symonds, 'Children's Rights to British Citizenship' in Devyani Prabhat (ed), *Citizenship in Times of Turmoil: Theory, Practice and Policy* (Edward Elgar 2019) 79, 79–80.

<sup>9</sup> *ibid* 88; *The Project for the Registration of Children as British Citizens v Secretary of State for the Home Department* [2019] EWHC 3536. This case found the high application fee for children registering as British citizens unlawful.

<sup>10</sup> Thom Brooks, 'The Life in the UK Citizenship Test and the Urgent Need for its Reform' in Devyani Prabhat (ed), *Citizenship in Times of Turmoil: Theory, Practice and Policy* (Edward Elgar 2019) 22; Bridget Byrne, 'Naturalisation and Becoming a Citizen in the UK' in Devyani Prabhat (ed), *Citizenship in Times of Turmoil: Theory, Practice and Policy* (Edward Elgar 2019) 61, 61–62.

<sup>11</sup> Byrne (n 10) 77–78.

<sup>12</sup> Colin Yeo, 'The Rise of Modern Banishment: Deprivation and Nullification of British Citizenship' in Devyani Prabhat (ed), *Citizenship in Times of Turmoil: Theory, Practice and Policy* (Edward Elgar 2019) 134, 134–35.

without other EU citizenships.<sup>13</sup> She underlines how the procedure breaks previous EU commitment to EU citizenship as a fundamental status.<sup>14</sup> She further points out the paradox that a transition period in which the UK has formally left the EU, but EU law continues to apply in the UK while new arrangements are negotiated, implies that UK citizens will lose their EU citizenship rights while remaining bound by EU legal decisions.<sup>15</sup>

The remaining three chapters focus on different implications of the Hostile Environment policy, through which the Home Office has imposed on landlords, employers and other private figures duties to verify the immigration status of their tenants, employees etc.<sup>16</sup> David Smith analyses the implications of the policy for the right to rent, underlining both how the Home Office has promoted unrealistic expectations about the capacity of landlords to verify the immigration status of their tenants, and how the policy instigates discrimination on the basis of ethnicity and race, as tenants for whom the verification of immigration status is straightforward (eg the ‘white British’) can be preferred to those who have the right to rent but that need more proof of their status.<sup>17</sup> Bertram’s chapter is a philosophical analysis of this Hostile Environment.<sup>18</sup> Bertram advances the position that the Hostile Environment does not only harm undocumented migrants who are the explicit target of the policy, but can be likened to hate speech.<sup>19</sup> He shows that the actions included in the Hostile Environment policy (which at a certain point included a large diffusion of public hostile messages telling undocumented migrants to ‘go home’) and the political discourse linked to it, also depict the larger population of those with migrant backgrounds as outside the symbolic membership of British community. Fiona Bawdon analyses the ‘Windrush scandal’ — the situation in which people with the right to stay in the UK, and in some cases with UK citizenship, were denied the right to work and rent and were, in some cases, deported.<sup>20</sup> Such a situation was caused by the introduction of the Hostile Environment checks and the fact that, when the victims of the Windrush scandal arrived in the UK, they did not need or receive the documentation required by the Hostile Environment policy.<sup>21</sup> The victims of the Windrush scandal indeed arrived from former British colonies before 1973, and had full rights to move to and reside in the UK at the time, and were, in fact, not

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<sup>13</sup> Patricia Mindus, ‘A Constitutional Eyesore after Brexit: EU Citizenship and British Nationality’ in Devyani Prabhat (ed), *Citizenship in Times of Turmoil: Theory, Practice and Policy* (Edward Elgar 2019) 151, 151–53.

<sup>14</sup> *ibid* 159.

<sup>15</sup> *ibid* 163.

<sup>16</sup> *Immigration Act 2014* (UK) s 23.

<sup>17</sup> David Smith, ‘The *Immigration Act 2014* and the Right to Rent’ in Devyani Prabhat (ed), *Citizenship in Times of Turmoil: Theory, Practice and Policy* (Edward Elgar 2019) 112.

<sup>18</sup> Christopher Bertram, ‘Citizenship, Semi-Citizenship and the Hostile Environment: The Performativity of Bordering Practices’ in Devyani Prabhat (ed), *Citizenship in Times of Turmoil: Theory, Practice and Policy* (Edward Elgar 2019) 94, 94–95.

<sup>19</sup> *ibid* 95.

<sup>20</sup> Fiona Bawdon, ‘Remember When Windrush Was Still Just the Name of a Ship?’ in Devyani Prabhat (ed), *Citizenship in Times of Turmoil: Theory, Practice and Policy* (Edward Elgar 2019) 173, 173–75.

<sup>21</sup> *ibid* 179.

registered as immigrants.<sup>22</sup> Bawdon follows a number of individual stories—before and after the scandal reached the media. The stories show how, after the Hostile Environment left the victims often homeless or indigent, the publicity of the scandal improved their condition, forcing the government to revise the policy and offer compensation for those damaged. However, the stories collected also show how even after the scandal some of the victims found it difficult to obtain the compensation to which they were entitled, or were priced out from applying for naturalisation.<sup>23</sup>

Devyani Prabhat's introduction and conclusion offer a larger theoretical frame for the volume as a whole.<sup>24</sup> Prabhat argues that citizenship is made fragile by two phenomena: the blurring between immigration and citizenship law, and the introduction of exceptional measures that suspend guarantees of rights.<sup>25</sup> The Windrush Scandal is an example of this immigration/citizenship blurring, as immigration measures included in the Hostile Environment have infringed the citizenship rights of the victims. Prabhat further extends the discussion to the decision by the British government in 1972 to initially disregard the status of Citizens of the UK and colonies (a lesser status than full UK citizenship, but still including a UK passport) of many of the East African Asians expelled from Uganda.<sup>26</sup> Disregarding the status and denying them access to the UK was indeed an example of exceptional suspension of citizenship rights. Exceptional suspension of rights — for reasons linked to national security, but not exclusively — is the second source of fragility for citizenship, as in the case of the deprivation of UK citizenship for an increasingly large number of infractions, as also discussed in the chapter by Yeo. The overall picture that Prabhat draws on the basis of the individual contributions to the volume is one of fragile citizenship that can be lost (as in the cases of Windrush, citizenship deprivation or Brexit) and that is exposed to immigration controls, from the limitations to citizenship enacted against former colonial subjects, to the contemporary Hostile Environment practices.

What the book offers is, on the one hand, a series of focused analyses on the major issues linked to UK citizenship law. On the other, as the cases include the transmission, acquisition and loss of citizenship, as well as the different relations between citizenship and immigration law, the book works well as a comprehensive exploration of contemporary UK citizenship. The integration of legal analyses with approaches taken from other disciplines make the book of interest for a large readership. Further, several of the phenomena discussed, including, but not limited to, the legacy of colonial citizenship, the extension of citizenship deprivation and the links between immigration control and citizenship rights, are of interest beyond the UK focus of the book.

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<sup>22</sup> *ibid* 175.

<sup>23</sup> *ibid* 178–82.

<sup>24</sup> Devyani Prabhat, 'The Blurred Lines of British Citizenship and Immigration Control: the Ordinary and the Exceptional' in Devyani Prabhat (ed), *Citizenship in Times of Turmoil: Theory, Practice and Policy* (Edward Elgar 2019) 198, 198–99.

<sup>25</sup> *ibid* 199–200.

<sup>26</sup> *ibid* 201.