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**Waves of Securitisation: the Rise, Fall and Resurgence  
of Citizenship Stripping Regulations in Europe, 1960-  
2022**

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**Abstract:**

The rise of citizenship stripping as part of a broader securitisation trend in the post-9/11 world has been frequently observed in public discourse and academic scholarship. Europe has been on the forefront of this trend with an increasing number of states since the early 2000s introducing regulations on security-based citizenship deprivation in national legislation, often allowing for substantial administrative discretion with few procedural safeguards. Remarkably, there is limited understanding of how new this phenomenon is and what the most common deprivation grounds are. In this paper, we leverage new longitudinal data on the regulation of security-based citizenship deprivation in 47 European states, going back to 1960. We identify two ‘waves of securitisation’, including an early wave focused on disloyalty in the 1970s and 1980s. After a liberalising period in the 1990s, we observe a strong resurgence of security-related deprivation provisions. Closer scrutiny of the language deployed by deprivation provisions, confirms a discursive shift from concerns about disloyalty towards state security.

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MOBILE – Center of Excellence for Global Mobility Law – focuses on systematically studying the legal infrastructures of human mobility across geographies, social divides, travel patterns and time.

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## 1 Introduction

Citizenship stripping has attracted substantial scholarly attention over the past decade and is often presented as a phenomenon that is on the rise as part of a broader securitisation trend in the post-9/11 world.<sup>1</sup> Europe has been at the forefront of this trend, with an increasing number of states since the early 2000s introducing regulations on security-based citizenship deprivation in national legislation, often allowing for substantial administrative discretion with few procedural safeguards.<sup>2</sup>

Remarkably, there is limited understanding of how new this phenomenon is and what the most common deprivation grounds are. This paper therefore aims to examine the evolution of security-based citizenship deprivation provisions in European states and identify patterns in the grounds for deprivation. Building on information from the Global Citizenship Observatory ('GLOBALCIT'),<sup>3</sup> we leverage new longitudinal data on the regulation of security-based citizenship deprivation in 47 European states covering the period from 1960 to 2022.

This paper is structured as follows. First, we briefly clarify the phenomenon of 'citizenship stripping.' Second, we elaborate on the structure of the longitudinal dataset presented in this paper and its coding methodology. Third, we present patterns and trends that arise from the data in order to show how citizenship stripping provisions have developed over time. Fourth, we analyse the wording of the provisions regarding the acts that can result in citizenship revocation by conducting a longitudinal keyword analysis. By doing so, this paper highlights the evolving relevance and meaning of citizenship stripping in Europe over time.

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<sup>1</sup> See, eg, Sangeetha Pillai and George Williams, 'Twenty-first century banishment: citizenship stripping in common law nations' (2017) *International & Comparative Law Quarterly* 66, 522; Zahra Babar, 'The "Enemy Within": Citizenship-Stripping in the Post-Arab Spring GCC' (2017) *Middle East Journal* 71, 527; Dana Burchardt and Rishi Gulati, 'International counter-terrorism regulation and citizenship-stripping laws—reinforcing legal exceptionalism' (2018) *Journal of Conflict and Security Law* 23, 205; Audrey Macklin, 'The Return of Banishment: Do the New Denationalisation Policies Weaken Citizenship?', in Rainer Bauböck (ed), *Debating Transformations of National Citizenship* (Springer, 2018) 163; Christian Joppke, 'Terror and the Loss of Citizenship' (2016) *Citizenship Studies* 20; Peter J Spiro, 'Expatriating Terrorists' (2013) *Fordham Law Review* 82; Christian Prener, *Denationalisation and Its Discontents: Citizenship Revocation in the 21st Century: Legal, Political and Moral Implications* (Springer, 2023) 2.

<sup>2</sup> Luuk van der Baaren, Maarten Vink, Laura van Waas, Anne Brekoo, Deneisha Moss, Caia Vlieks, 'Instrumentalising citizenship: a global comparative analysis of legislation on deprivation of nationality as a security measure' (2022) ISI/GLOBALCIT Technical Report. 27

<sup>3</sup> For more information, see Global Citizenship Observatory ('GLOBALCIT') <<https://globalcit.eu>>.

## 2 What is citizenship stripping?

Loss of citizenship can occur on various grounds. An early typology can be found in the work of Paul Weis, who makes a distinction between denationalisation (ie voluntary loss of citizenship) and deprivation of nationality (ie involuntary loss of citizenship), of which he considers deprivation of citizenship as a penalty to be a special category.<sup>4</sup> However, Weis also states that it is not easy to define the boundaries of this category.<sup>5</sup> Donner introduces a normative element by distinguishing denationalisation, lawful deprivation of nationality, and (unlawful) exile.<sup>6</sup> A more recent typology is provided by Lavi, who distinguishes voluntary relinquishment, revocation in the interest of the state and revocation due to a breach of allegiance.<sup>7</sup> Aleinikoff also provides a typology specifically for denationalisation, distinguishing allegiance, punishment and public order as denationalisation grounds.<sup>8</sup> Gibney defines denationalisation in a broader way, namely as the non-consensual withdrawal of nationality from an individual by her own state.<sup>9</sup>

In this paper we also use a broad notion of citizenship deprivation, namely the involuntary deprivation of citizenship of an individual by force of state regulations. We define citizenship deprivation as any loss, withdrawal or denial of citizenship that was not voluntarily requested by the individual, including where a state precludes a person or group from obtaining or retaining a citizenship, where nationality is automatically lost by operation of the law and where acts taken by administrative authorities result in a person being deprived of a citizenship.<sup>10</sup>

Using a functional comparative legal methodology, we focus on a specific subset of citizenship deprivation grounds. This means that we conduct a comparative analysis by taking the function of a law as the starting point, aiming to assess the function of a particular legal provision for comparison with functionally equivalent provisions.<sup>11</sup> As *tertium comparationis*, or common comparative denominator, we consider the previously proposed notion of ‘punishment’ as too narrow for the purpose of this paper. On the other hand, we

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<sup>4</sup> Paul Weis, *Nationality and statelessness in international law* (Brill, 1979) 115.

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

<sup>6</sup> Ruth Donner, *The regulation of nationality in international law* (Martinus Nijhoff, 2023) 150–153.

<sup>7</sup> Shai Lavi, ‘Citizenship Revocation as Punishment: On the Modern Duties of Citizens and Their Criminal Breach’ (2011) 61 *The University of Toronto Law Journal* 783, 785–786.

<sup>8</sup> Alexander Aleinikoff, ‘Theories of Loss of Citizenship’ (1986) 84 *Michigan Law Review* 1471, 1473.

<sup>9</sup> Matthew Gibney, ‘Denationalisation and Discrimination’ (2019) 46 *Journal of Ethnic and Migration Studies* 2551, 2252.

<sup>10</sup> van der Baaren et al (n 2).

<sup>11</sup> Esin Örüçü, ‘Methodology of comparative law’, in Jan Smits (ed) *Elgar Encyclopedia of Comparative Law* (Edward Elgar Publishing, 2012); Geoffrey Samuel, *An Introduction to Comparative Law: Theory and Method* (Hart Publishing, 2014); Konrad Zweigert and H Kotz *An Introduction to Comparative Law* (Oxford University Press, 1998).

consider the notion of ‘allegiance’ as too broad (for example, this term could also cover the loss of citizenship due to a lengthy period of residence abroad). We therefore propose to focus on ‘security-based’ citizenship deprivation grounds, meaning that citizenship is stripped with the purpose to protect a country’s security in broad terms. As noted by other scholars, the ultimate aim of such provisions is often to remove persons regarded as a security threat from a state’s territory or to prevent their return.<sup>12</sup> It is important to emphasise that the scope of this paper goes beyond deprivation of citizenship on national security grounds alone. Instead, this paper aims to examine provisions in which citizenship deprivation serves a security-related function, encompassing not only national security and military security, but also the prevention of crime in a broader sense. This enables us to take a more comprehensive approach to the phenomenon of citizenship stripping.

To capture relevant provisions, we use the typology of the GLOBALCIT Citizenship Law Dataset,<sup>13</sup> which includes 26 modes of acquisition and 15 modes of loss of citizenship. This dataset was developed to systematically and comprehensively capture how citizenship can be acquired and lost (see also Part 3). We identify four different grounds for citizenship stripping that have a security-related component:

- **Military service to a foreign country:** involuntary loss of citizenship by a person who renders military service to a foreign country or armed group. Such service may be seen as a security threat, particularly if that foreign military force is hostile to the country of citizenship.
- **Other service to a foreign country:** involuntary loss of citizenship by a person who renders non-military services to a foreign country, except for those performing such service with permission or on behalf of their country of citizenship. Engaging in foreign service can pose a security threat, for example if it involves sensitive activities or decision-making processes that may conflict with national interests.
- **Disloyalty/State security:** involuntary loss of citizenship by a person due to behaviour or offence that is based on a concept of disloyalty or harm to the interests or security of the country of which he/she is a citizen, including offences such as treason. Such acts can be directly linked to national security interests.
- **Other offences:** involuntary loss of citizenship by a person who commits other criminal offences. While these acts are not always

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<sup>12</sup> See, eg, Matthew Gibney, ‘Should Citizenship Be Conditional? The Ethics of Denationalization’ (2013) 75(3) *Journal of Politics* 646; Audrey Macklin, ‘Citizenship Revocation, the Privilege to Have Rights and the Production of the Alien’ (2014) 40(1) *Queen’s Law Journal* 1; Laura van Waas, ‘Foreign Fighters and the Deprivation of Nationality: National Practices and International Law Implications’ in Andrea De Guttry, Francesca Capone and Christophe Paulussen (eds), *Foreign Fighters under International Law and Beyond* (TMC Asser Press, 2016)

<sup>13</sup> Maarten Vink, Luuk van der Baaren, Rainer Bauböck, Jelena Džankić, Iseult Honohan and Bronwen Manby, GLOBALCIT Citizenship Law Dataset, v2.0, Country-Year-Mode Data ([Acquisition]/[Loss]) (2023) GLOBALCIT <<https://hdl.handle.net/1814/73190>>.

directly linked to national security, they can nonetheless be perceived by states as significant threats to public safety.

The first relevant ground of loss is the rendering of military service to a foreign country. The provision generally refers to formally entering into military service in a foreign army and/or taking up a position in a foreign army. Second, citizenship can be lost due to other (non-military) service to a foreign country. These provisions traditionally only cover those who formally take up a position in another state's civil service, state agencies or certain international organisations. Third, citizenship can be lost due to disloyalty, which refers to any behaviour or offence that is based on a concept of disloyalty or harm to the interests or security of the state (eg acts of treason or terrorism against the state). Fourth, citizenship can be lost due to other offences (ie offences not amounting to disloyalty as described above). This ground for loss of citizenship is very broad in nature, and the provisions, therefore, vary greatly.

### **3 Coding citizenship legislation**

To map the patterns and trends in security-based citizenship deprivation, we leverage original new longitudinal data collected by us as an extension of the GLOBALCIT Citizenship Law Dataset. The GLOBALCIT Citizenship Law Dataset includes information on the different ways in which citizenship can be acquired and lost across the world in 191 states. It is organized around a comprehensive typology of 26 modes of acquisition and 15 modes of loss of citizenship, which outlines, in a systematic way, the various ways in which citizenship can be acquired and lost. For each 'mode of loss of citizenship' the typology outlines a standardised ground on the basis of which citizenship can potentially be lost, which allows comparing similar functional provisions across states. To facilitate comparison, entries for each mode are limited to standardised categories and a more elaborate specification of the legal conditions is provided for each entry.<sup>14</sup> The data for the most recent available years can be explored in interactive online databases.<sup>15</sup> It is important to emphasise that the dataset is grounded in the substantive requirements outlined by law, and that the practical implementation of these legal provisions falls outside the scope of the dataset.

The data leveraged for this paper includes information on how citizenship can be lost on four security-related grounds between 1960 and 2022 in 47 European

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<sup>14</sup> For a further introduction of the GLOBALCIT Citizenship Law Dataset, see Luuk van der Baaren and Maarten Vink, 'Modes of Acquisition and Loss of Citizenship Around the World - Comparative Typology and Main Patterns in 2020' (2021) Robert Schuman Centre for Advanced Studies Research Paper No. #RSC 2021/90, <<https://hdl.handle.net/1814/73267>>.

<sup>15</sup> The available data from 2020 onwards can be explored in interactive databases at <<https://globalcit.eu/databases/globalcit-citizenship-law-dataset/>>.

states, covering the relevant legal provisions as in force on 1 January 2022.<sup>16</sup> These four grounds are loss of citizenship due to military service to a foreign country, other (non-military) service to a foreign country, disloyalty, and other offences (not amounting to disloyalty).<sup>17</sup> The Dataset categorises security-related loss provisions in two standardised categories, namely generally applicable provisions (meaning that the provisions are applicable to all citizens) and provisions that only apply to certain categories of citizens (eg if only naturalised citizens can lose their citizenship on the basis of that provision). Additional information regarding the coding process is available in the GLOBALCIT Citizenship Law Dataset Codebook.<sup>18</sup>

The legislative sources used in compiling the data are primarily derived from the GLOBALCIT Global Nationality Laws Database.<sup>19</sup> This database is a collection of thematically related laws, constitutional provisions, bilateral agreements and government decrees that currently covers 177 countries. An overview of the legislative sources used in this dataset can be found in the data repository.<sup>20</sup>

In order to identify longitudinal patterns concerning the type of acts that could lead to loss of citizenship, we conducted an additional analysis of input provided by country experts on the conditions for citizenship deprivation of each provision in each particular country. For all identified provisions, country experts were asked to provide a summary of the main conditions for deprivation of citizenship under that particular provision. This information is gathered under the header ‘specifications’ in the GLOBALCIT Citizenship Law Dataset. In order to classify the data entries, we first manually extracted all keywords that identified acts that can result in loss of citizenship from the dataset. These keywords were then subjected to a coding process. Initially, we categorised them using lower level categories, which were later aggregated into higher order analytic categories based on their thematic similarities. From this analysis, we identified two core categories: provisions directly referring to instances of disloyalty and clauses directly referring to security breaches. For the latter category, we also identified a subcategory for clauses that directly refer to acts of terrorism. The frequency of entries that contained any keywords assigned to the two core categories

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<sup>16</sup> The replication data and the code to reproduce the plots will be made available upon publication of the paper at Harvard Dataverse. This can be located within the file ‘Waves\_of\_securitization\_data\_final.xlsx’, under column ‘article’ for each of the respective modes of loss of citizenship: <<https://doi.org/10.7910/DVN/I6ZHU1>> (‘Harvard Dataverse’). This data will also be included in future versions of the GLOBALCIT Citizenship Law Dataset.

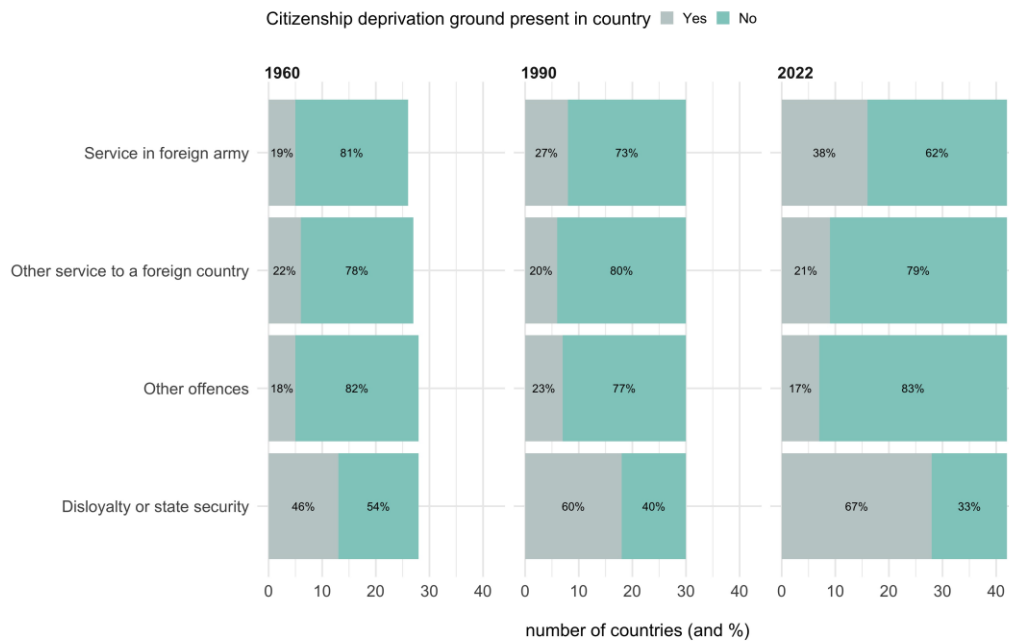
<sup>17</sup> These deprivation grounds correspond with the standardized modes of loss of citizenship L03, L04, L07 and L08 in the comparative typology of the GLOBALCIT Citizenship Law Dataset.

<sup>18</sup> The GLOBALCIT Citizenship Law Dataset Codebook is available in the repository of the Dataset: <<https://hdl.handle.net/1814/73190>>.

<sup>19</sup> See GLOBALCIT Global Nationality Law Database <<https://globalcit.eu/national-citizenship-laws/>>.

<sup>20</sup> Harvard Dataverse (n 16).

‘disloyalty’ and ‘security’ was then determined for each year covered by the dataset.



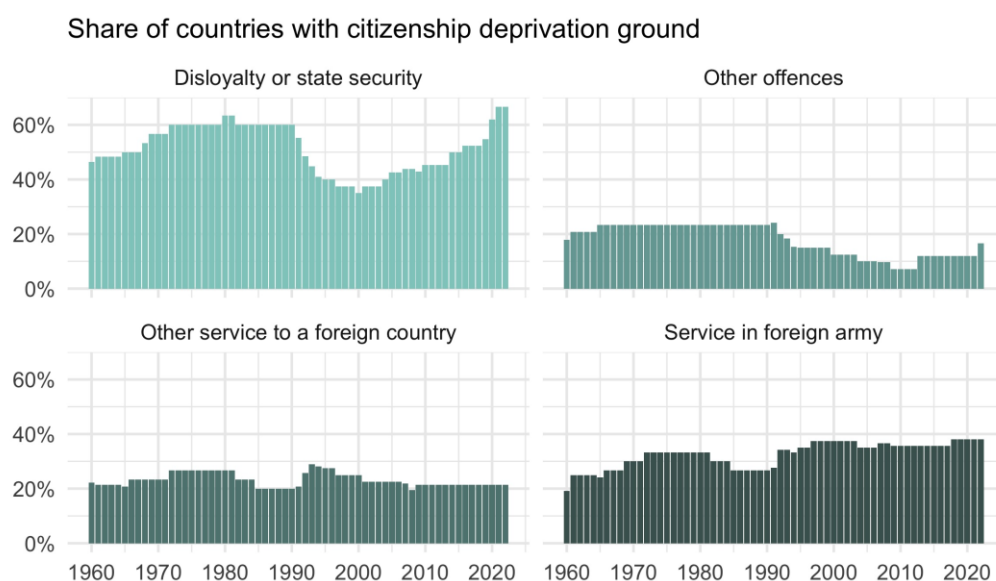
*Figure 1. Prevalence of security-related modes of citizenship deprivation in Europe, 1960–2022: number and percentage of countries with type of deprivation ground*

#### 4 The rise, fall, and resurgence of citizenship stripping

In 1960, as illustrated in Figure 1, legislation on security-based deprivation of citizenship was relatively rare. The most common form was deprivation based on disloyalty or harm to the interests or security of the state, which was present in 13 out of 28 independent countries at the time (46%).<sup>21</sup> The other three grounds (military service, other service and other offences) were only present in approximately one-fifth of the countries. In the subsequent decades, a stark increase can be observed for two deprivation grounds, namely military service and disloyalty/harm to state interests.

<sup>21</sup> Due to missing data, the total number of countries is lower than 28 for two deprivation grounds in 1960.





*Figure 2. Prevalence of security-based deprivation of citizenship in Europe, 1960–2022: share of states with relevant legal provision*

Between 1960 and 2022, as illustrated in Figure 2, the prevalence of loss provisions for military service abroad steadily increases from 19 to 38% of countries. For loss due to disloyalty or state security, the pattern is less straightforward. This form of denationalisation is historically the most prevalent in the citizenship legislation in European states. Between 1960 and 1990, the prevalence of this deprivation ground increases from 46% to 60% of countries. During this period, provisions were introduced in Bulgaria, Cyprus, Czechoslovakia, the German Democratic Republic, Malta, Portugal, Romania and the Soviet Union. It is remarkable that five out of these eight countries were situated in the Eastern bloc. From 1990, the prevalence of disloyalty or state security provisions strongly decreases to 35% in 2000. The main reason for this decrease is that the provisions that were in force in many of the former socialist countries disappeared in the early 1990s. As these countries enacted new citizenship laws or reformed existing ones after regime changes, previous loss provisions were either repealed or omitted from the new legislation.<sup>22</sup> However, from 2001, this form of deprivation has regained legislative popularity. By 2022, two-thirds of countries (67%) in Europe have such a provision in their citizenship legislation. For the two other modes (other services and other offences), the prevalence is low throughout the period covered (1960–2021). For loss due to other services, the prevalence remains relatively stable. For loss due to other

<sup>22</sup> Note that the wave pattern still holds when exclusively considering states that already existed before 1990. See Figure A1 in the Supplementary Materials.

offences, a decrease can be observed after 1990, followed again by a slight increase after 2010.

## 5 Multiple deprivation grounds

Looking at the number of security-related deprivation modes per country, Figure 3 shows that many European countries have extended the number of deprivation grounds over the past 60 years. In 1960, almost half of the 28 independent states in Europe (46%) did not have any form of security-based citizenship deprivation. In 2022, more than two-thirds (71%) of 42 states in Europe have at least one form of security-based citizenship deprivation; in almost half of all states (49%), there are two or more ways in which citizens can be deprived of citizenship involuntarily.

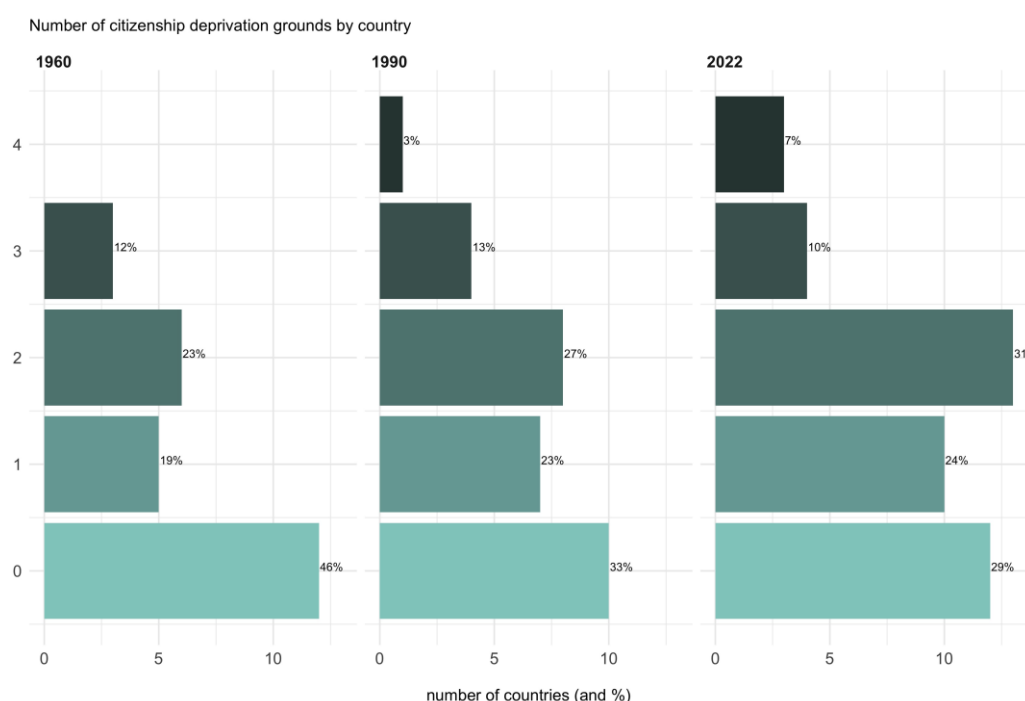


Figure 3. Number of security-related modes of citizenship deprivation per country, Europe, 1960–2022. Number of countries: 28 (1960) | 30 (1990) | 42 (2022)

Figure 4 visualises the number and types of changes in citizenship deprivation regulations based on disloyalty or state security, categorised by the year each change occurred.<sup>23</sup> As illustrated, since 1960, seven states have abolished the power to deprive citizens of citizenship on this ground, and in four cases the deprivation grounds were restricted, thus limiting the risk at statelessness. By contrast, states have introduced this deprivation ground (again) in 25 cases and in

<sup>23</sup> In our dataset, in line with GLOBALCIT approach, we incorporate legal changes from 1 January of the subsequent year after the year in which the change enters into force. This is reflected in all plots, except for Figure 4, where we plot the change in the year in which it enters into force.

11 cases the scope of deprivation grounds was extended, such as latest in our dataset by France in 2021. Figure 4 clearly visualises that the abolition of deprivation provisions mostly occurred in the period 1990–2000 (with the exception of frontrunner Portugal, which abolished deprivation on this ground in 1981), while the re-introduction of such provisions mostly took place in the period of 2000–2021. During those two decades, provisions were introduced in Moldova (2001), Bosnia and Herzegovina (2003), Denmark (2004), Montenegro (2006), Kosovo (2008), Netherlands (2009), Austria (2013), Latvia (2013), Liechtenstein (2015), Norway (2018), Finland (2019), Germany (2019), Italy (2019), Albania (2020) and Belarus (2020). Some countries introduced loss provisions that are specific in scope, for example the German provision for revocation of citizenship of persons who have been actively fighting abroad for terrorist militia.<sup>24</sup> Other provisions are broader in nature, such as the Albanian provision for revocation of citizenship from a naturalised person who supports organisations whose activities aim to undermine the national security and constitutional order of Albania.<sup>25</sup> It should be noted that some states abolished their deprivation provisions but subsequently reintroduced them again. For example, Bosnia and Herzegovina had introduced in 1993, repealed in 1997, and reintroduced in 2004.<sup>26</sup> This illustrates that provisions for deprivation of citizenship are not always a fixed or permanent aspect of citizenship law; instead, they are at times implemented as responsive measures.

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<sup>24</sup> *Nationality Act* (1913) art 28(1) (Germany).

<sup>25</sup> *Law No, 113/2020 on Citizenship* art 15(1)(b) (Albania).

<sup>26</sup> *Act on Citizenship of the Republic of Bosnia and Herzegovina* (1992), art 20 (Bosnia and Herzegovina). Revoked by *Law on Citizenship of the Republic of Bosnia and Herzegovina* (1996) art 39 (Bosnia and Herzegovina). Reintroduced in *Law on Citizenship of the Republic of Bosnia and Herzegovina* (1996) art 23(1)(4-7) (Bosnia and Herzegovina) amended by *Law on Amendments to the Law on Citizenship of Bosnia and Herzegovina* (2003) art 1 (Bosnia and Herzegovina).

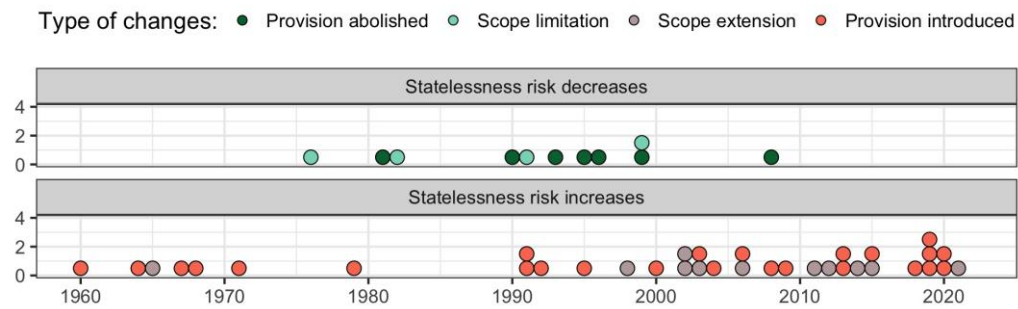


Figure 4. Changes in European regulation of loss of citizenship due to disloyalty or state security, 1960–2022. Plot includes provisions by newly independent countries.

## 6 The persistence of discriminatory provisions

Deprivation rules are often applied in a discriminatory manner. As visualised in Figure 5, in 2022, in almost half of countries where citizenship can be deprived based on broad grounds of disloyalty or state security, these provisions apply only to certain categories of citizens (typically, those who have acquired citizenship after birth, such as immigrants). Such discriminatory rules are even more common if citizenship can be deprived for other offences. Nearly two-thirds of those provisions apply only to certain categories of citizens. It is also remarkable that between 1960 and 2022, the number of discriminatorily applied provisions in European states has grown for all four security-related loss modes. This is despite increasing criticism of such practices from the perspective of international law. The unequal treatment of naturalized citizens has come under scrutiny due to its potential to be interpreted as a discriminatory act resulting in the loss of nationality as defined in article 9 of the 1961 *Convention on the Reduction of Statelessness*,<sup>27</sup> or article 5(d)(iii) of the 1965 *International Convention on the Elimination of All Forms of Racial Discrimination*.<sup>28</sup>

<sup>27</sup> *Convention on the Reduction of Statelessness*, opened for signature 30 August 1961, 989 UNTS 175 (entered into force 13 December 1975) art 9.

<sup>28</sup> *International Convention on the Elimination of All Forms of Racial Discrimination*, opened for signature 21 December 1965, 660 UNTS 195 (entered into force 4 January 1969) art 5(d)(iii). See also W Vandenhoe, *Non-discrimination and equality in the view of the UN human rights treaty bodies* (Intersentia, 2005), 95; Peter Spiro, 'Citizenship, Nationality and Statelessness', in Vincent Chetail, V and C Bauloz, (eds), *Research Handbook on International Law and Migration* (Elgar Publishing, 2014), 299; B Ramcharan, 'Equality and Nondiscrimination' in S Farrior (ed), *Equality and Non-Discrimination under International Law, Volume 2* (Routledge, 2016) 46; C Tilburcio,

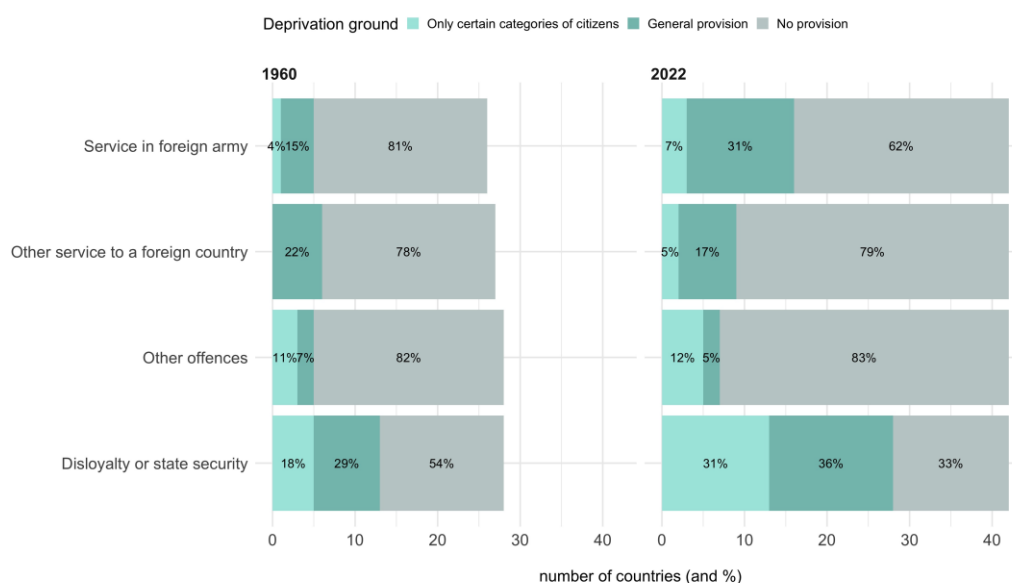


Figure 5. Discriminatory application of security-related modes of citizenship deprivation in Europe, 1960–2022: Number and share of countries by scope of deprivation provision

## 7 Citizenship stripping and statelessness

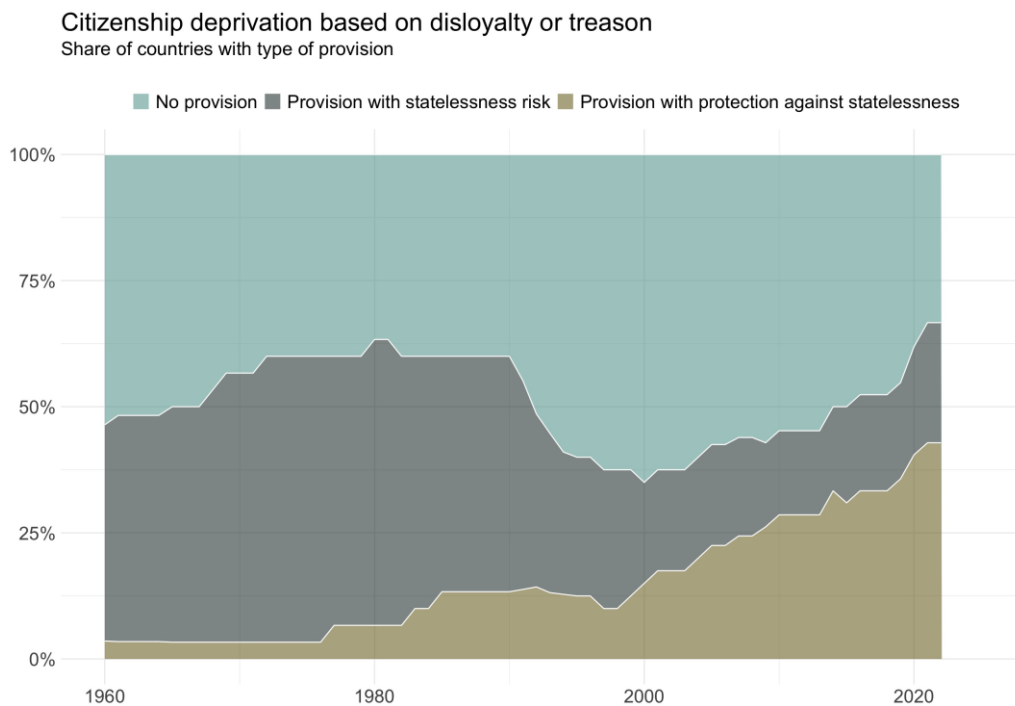
It is evident that stripping a person of citizenship poses a risk of rendering that person stateless. Certain states may only deprive citizenship if this does not result in statelessness, meaning that only persons who are citizens of more than one state can be deprived of citizenship. This raises the question how common such ‘statelessness protection clauses’ are in Europe and whether they have become more prevalent over time. To capture this, we used a binary coding scheme to indicate for each country-year combination whether a state’s citizenship law restricts the loss of citizenship to situations where it does not result in statelessness.

As Figure 6 illustrates, statelessness protection clauses were originally very rare. In 1960, only Switzerland provided for an explicit safeguard against statelessness. The provision stated that only dual citizens can be deprived of their citizenship if their behaviour was significantly detrimental to the interests or reputation of Switzerland, which conversely meant that persons who would be left stateless could not be deprived of their citizenship under this provision.<sup>29</sup> Between 1970 and 1990, the number of provisions with a statelessness protection clause increases but the significance of this trend is problematised by the fact that the number of provisions without such a clause increases as well. This changes in the 1990s, when the occurrence of provisions without a statelessness protection

*The Human Rights of Aliens Under International and Comparative Law* (Martinus Nijhoff Publishers, 2001) 9.

<sup>29</sup> *Bundesgesetz Über Erwerb und Verlust des Schweizerbürgerrechts* (1952) art 48 (Switzerland).

clause sharply decreases. This again confirms that we can speak of a liberalising trend during this period. This pattern reverses after 2001, as the overall prevalence of deprivation provisions sharply increases, resulting in an all-time high in 2022. Taking a closer look, the number of provisions with a stateless protection clause sharply increases during this period, while the number of provisions without such a clause remains relatively stable. The primary reason for this is that citizenship stripping provisions that are introduced during this period generally contain a statelessness protection clause. In addition to that, some countries introduce a statelessness protection clause to an already existing provision. As a result of these two developments, approximately two-thirds of the deprivation provisions in force in 2022 contained an explicit safeguard against statelessness.



*Figure 6. Protection against statelessness in European regulation of loss of citizenship due to disloyalty or state security: share of countries with type of provision, 1960–2022*

It is important to note that we have only explicitly taken into account statelessness protection clauses in domestic nationality law. In 2022, such statelessness protection clauses were in force in Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Denmark, Finland, France, Germany, Kosovo, Latvia, Liechtenstein, Moldova, Montenegro, Netherlands, Norway, Slovenia, and Switzerland. However, in certain cases, protection against statelessness can also be derived from international legal instruments. For example, under Romanian citizenship law, any Romanian citizen can be deprived of citizenship if they reside abroad and acts against the interests of Romania, or supports a terrorist

organisation and puts at risk the Romanian national security.<sup>30</sup> However, Romania is a party to the *European Convention on Nationality*, which provides that states may provide for loss of citizenship in the case of conduct seriously prejudicial to the vital interests of the State Party, but not if loss of citizenship results in statelessness.<sup>31</sup> Romania has acceded to the *European Convention on Nationality* without making reservations to these provisions, meaning that Romania is bound not to apply its citizenship stripping powers if that would make a person stateless.

The proliferation of statelessness protection clauses also raises a new concern, specifically regarding its discriminatory effects. If nationality deprivation is confined to persons with more than one citizenship, such provisions will mainly affect individuals of foreign origin.<sup>32</sup> As a consequence, its application may violate the principle of non-discrimination.<sup>33</sup> International human rights law prohibits both direct or indirect discrimination in law or practice and it follows that states must not deprive any person or group of their citizenship on any ground prohibited under international law. Human rights bodies have criticised several states for the indirect discriminatory effects of their deprivation provisions, stating that the goal of preventing statelessness cannot legitimise discrimination.<sup>34</sup> The indirect discriminatory effects of deprivation provisions are further exacerbated by the fact that a large share of European countries still restrict the application of these provisions to certain groups of citizens – usually citizens by naturalisation.

The widespread adoption of statelessness avoidance clauses in citizenship stripping provisions may prima facie seem contradictory to the post-2001 trend towards restriction. However, this is mostly a consequence of the re-emergence of citizenship stripping provisions across Europe overall. Nowadays it is considered a guiding principle to not deprive persons of their citizenship for reasons related to national security under any circumstances.<sup>35</sup> After all, not depriving persons of their citizenship provides the best safeguard against statelessness. While more and more European states only allow for citizenship stripping if it would not result in

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<sup>30</sup> *Act No. 21/1991 on Romanian citizenship* (1991) arts 21(1)(a) and (d) (Romania).

<sup>31</sup> *European Convention on Nationality*, opened for signature 6 November 1997, CETS No 166 (entered into force 1 March 2000) art 7(1)(d) jo. 7(2).

<sup>32</sup> See for a more elaborate discussion on the issue of indirect discrimination in this context Sangita Jaghai, Laura van Waas, ‘Stripped of Citizenship, Stripped of Dignity? A Critical Exploration of Nationality Deprivation as a Counter-Terrorism Measure’, in C Paulussen and M Scheinin (eds) *Human Dignity and Human Security in Times of Terrorism* (TMC Asser Press, 2020); Christian Prener, ‘The dichotomy within denationalisation: Perpetuating or emancipating from its discriminatory past?’ (2022) *International Journal of Discrimination and the Law* 22, 305.

<sup>33</sup> For an in-depth discussion of international norms regarding non-discrimination concerning the deprivation of citizenship as a national security measure, see ISI, *Commentary to the Principles on Deprivation of Nationality as a National Security Measure*, Commentary to Principle 6.

<sup>34</sup> See, for example, United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, ‘Amicus Brief before the Dutch Immigration and Naturalisation Service’ (23 October 2018) [40].

<sup>35</sup> See ISI, *Principles on Deprivation of Nationality as a National Security Measure*, Principle 4.1.

statelessness, the number of European states that permit security-based citizenship stripping overall has also increased considerably.

## **8 A closer look: which acts can lead to deprivation of citizenship?**

Not only has the prevalence of security-based deprivations changed throughout the years, but also the *content* of these deprivation provisions. Hence the question is not only *whether* citizenship can be deprived on security grounds, but also *which specific acts* can result in the deprivation of citizenship. We conducted additional keyword analyses to understand changes in the substantive focus of citizenship deprivation grounds related to disloyalty and state security. As explained above in Part 3 on the research methodology, we focus on three sets of terms: those broadly related to allegiance, to security, and to terrorism, respectively.<sup>36</sup>

As Figure 7 illustrates, between 1960 and the late-1980s, we can observe an increase of provisions that explicitly refer to a lack of allegiance, to disloyalty or related terms as grounds for citizenship stripping (eg ‘disaffection’, ‘disgrace’, ‘reputation’). This is mainly due to the introduction of provisions that contain such terms in socialist countries. An example is the former German Democratic Republic which introduced a provision in 1967 that stated that citizenship could be revoked (for citizens by birth) for ‘gross violation of civic duties’ or (for naturalised citizens) if a person was deemed ‘unworthy of citizenship of the German Democratic Republic by gross disregard of the obligations assumed with its conferral’.<sup>37</sup> After 1990, these provisions seem to take on less prominence as a consequence of regime change and state succession. In addition to that, several other European countries abolish or replace such provisions during the time period covered. It is remarkable that in 1960, the great majority of loss provisions explicitly referred to disloyalty or related terms. By 2022, the prevalence of such provisions has dwindled. While the number of provisions referring to disloyalty or related terms again increased after 2010, they still constitute only a minority of all loss provisions. When it comes to citizenship stripping, the concept of loyalty played a major role in the past but that, by now, its role has become less significant.

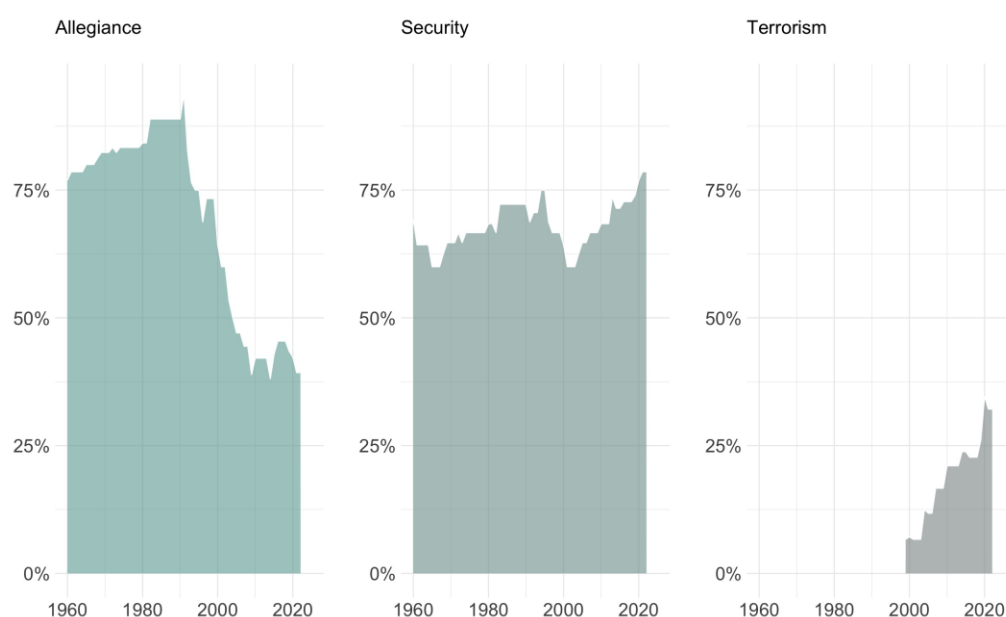
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<sup>36</sup> Table A2 in the Supplementary Materials provides the list of keywords we employed in this part of the analysis.

<sup>37</sup> *Gesetz über die Staatsbürgerschaft der DDR* [Law on the Citizenship of the GDR] (20 February 1967) arts 12(1)(b), 13 (German Democratic Republic) (‘Law on the Citizenship of the GDR (1967)’).



# The language of deprivation provisions regarding disloyalty and state security Share of citizenship laws with relevant provisions containing related terms



*Figure 7. Prevalence of terms related to allegiance, security and terrorism, in citizenship deprivation provisions regarding disloyalty and national security, 1960–2022: share of countries with respective terms in relevant legal provision.*

The longitudinal trend for provisions that explicitly refer to harm to the interests or security of the state, as visualised in Figure 7, closely follows the overall trend for this mode of citizenship deprivation. This entails that an increase can be observed between 1960 and the 1980s, followed by a decrease in the 1990s and a reuptake after 2000. In 1960, no explicit reference is made to harming the interests or security of the state in approximately a quarter of all provisions covered by this mode. By 2022, this dropped to 11%, meaning that only three out of the 28 provisions in force in that year do not explicitly refer to harm to the interests or security of the state.

Lastly, we conducted an additional analysis for keywords that explicitly refer to terrorism or terms related to terrorism. As Figure 7 illustrates, until 1997, such terms were altogether absent from the provisions covered by this deprivation mode. In 1996, France was the first European country to propose introducing terrorist acts as a ground for deprivation of citizenship.<sup>38</sup> In the early 2000s, the prevalence of terrorism-related terms starts to steadily increase. By 2022, more than one-third of the loss provisions contain terminology related to terrorism.

Figure 7 shows that before 1990, both the concept of disloyalty and the concept of state security prominently featured in deprivation provisions. In the 1990s, the

<sup>38</sup> *Loi n° 96-647 du 22 juillet 1996 tendant à renforcer la répression du terrorisme et des atteintes aux personnes dépositaires de l'autorité publique ou chargées d'une mission de service public et comportant des dispositions relatives à la police judiciaire* (22 July 1996) 0170 *Journel Officiel* (France).

overall decrease of deprivation provisions affected both loyalty-related provisions as well as security-related provisions. However, after 2000, the trends for both clusters start to diverge. For provisions with disloyalty related terms, a slight reuptake takes place in the period 2000–2022, but the prevalence of disloyalty-related terms remains much smaller than it was before. By contrast, the prevalence of provisions with security-related terms strongly increases during the same period, peaking in 2022. Taken together, these developments constitute a conceptual shift in the language deployed by deprivation provisions, moving away from disloyalty towards state security. It is difficult to assess what the consequences of this shift may be, as the wordings of the provisions can be broad and their practical implications therefore strongly depend on how a country's authorities apply the provisions in practice. Nonetheless, it is telling that states are increasingly putting a more explicit emphasis on the notion of state security rather than disloyalty, and particularly that states have increasingly introduced explicit references to acts of terrorism in deprivation provisions.

## **9 Concluding remarks**

Over the past half a century, a clear trend towards liberalisation can be seen in certain aspects of citizenship law in Europe, such as the increasing tolerance of dual citizenship. Regarding security-based denationalisation, the developments that have taken place since 1960 are less straightforward. In the 1990s, a certain degree of liberalisation seems indeed to take place as the prevalence of one of the four deprivation grounds (loss due to disloyalty or harm of state interests) strongly decreases. However, a resurgence can be observed for this deprivation ground after 2000. For loss due to other offences, a decrease can be observed after 1990, followed again by a slight increase after 2010. For provisions regarding loss due to military service, the prevalence steadily increases between 1960 and 2022, while the prevalence of provisions for loss due to other services remains relatively stable. In addition to that, the discriminatory application of security-related deprivation provisions remains present throughout the covered period. For certain modes (eg deprivation due to other offences), even the majority of provisions only applies to certain groups of citizens. Although the majority of European states now restrict citizenship stripping to cases avoiding statelessness, that trend is negated by the post-2001 increase of citizenship stripping provisions overall.

Turning to the content of the deprivation provisions, it can be observed that before 1990, both the concept of disloyalty and the concept of state security prominently featured in deprivation provisions. In the 1990s, the overall decrease of deprivation provisions affected both loyalty related provisions as well as security-related provisions. However, after 2000, the trends for the clusters start to diverge. For provisions with disloyalty-related terms, only a slight reuptake takes place in the period 2000–2022, and the prevalence of such provisions remains much lower than it was before. In contrast, the prevalence of provisions

with security-related terms strongly increases during the same period, reaching a peak in 2022. Taken together, these developments suggest a conceptual shift took place in the language deployed by deprivation provisions, moving away from disloyalty towards state security.

Citizenship stripping is often perceived as instrumentalist; citizenship law is used as a ‘tool’ to remove unwanted persons from a state’s territory, or to prevent their return. While the findings of this analysis do not contradict that, it seems that a state’s notion of citizenship – and what it means to be a citizen – may also play an important role. An example is the development of citizenship stripping policies in the former socialist countries. Scholars have argued that the notion of citizenship in socialist countries generally emphasized a citizen’s duties and collective responsibilities.<sup>39</sup> This could provide an impetus for the introduction of loss provisions that explicitly refer to disloyalty, for example the German Democratic Republic’s provision for the revocation of citizenship due to ‘gross disregard of a citizen’s obligations’.<sup>40</sup> As noted in Part 4, our data indicates that these provisions were frequently revoked or altered in the 1990s following regime change in these countries. This suggests that further analysis of the presented data, particularly for specific regions or country subgroups, may provide additional valuable insights.

The findings suggest that European states (re)introduced security-based deprivation provisions in response to events that were widely perceived as threats to national security, particularly the terrorist attacks of 11 September 2001 as well as (after 2016) the question of how to deal with Islamic State returnees. This also seems to affect the content of deprivation provisions, particularly due to the increased usage of security-related terminology. Regarding provisions for deprivation due to disloyalty and harm to the interests or security of the state, it is striking that these provisions initially did not contain any terms explicitly referring to terrorism but that by 2022, such terms were present in one-third of the provisions. All in all, our analyses demonstrate that not only has the prevalence of citizenship stripping provisions changed over time in Europe, but the focus of such provisions has shifted as well, indicating that states have increasingly adopted a perspective on citizenship as a security instrument.

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<sup>39</sup> See for example in the context of Czechoslovakia and Yugoslavia: Tohma, N, ‘Statelessness and Social Citizenship of Greek Civil War Refugees in Post-1948 Communist Czechoslovakia’ in Rachel Chin and Samuel Clowes Huneke (eds), *Reimagining Citizenship in Postwar Europe* (Cornell University Press 2025) 115, 118, 134–142; Štiks I, *Nations and Citizens in Yugoslavia and the Post-Yugoslav States: One Hundred Years of Citizenship* (Bloomsbury Publishing 2015).

<sup>40</sup> Law on the Citizenship of the GDR (1967) (n 37) art 13.

## 10 Supplementary Materials

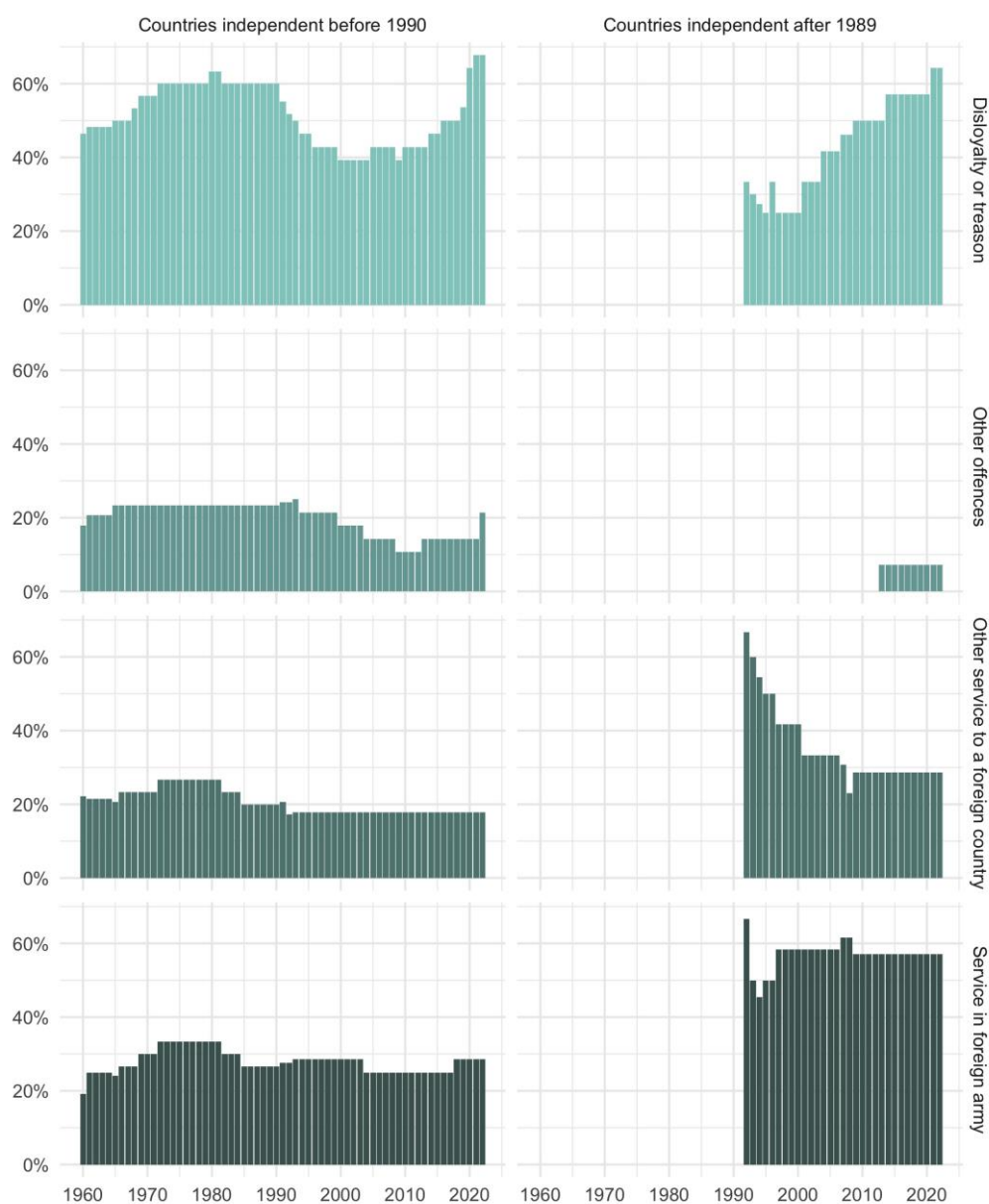
### 10.1 *List of keywords used in analysis of relevant terms related to allegiance, security and terrorism, in citizenship deprivation provisions regarding disloyalty/national security*

<b>Allegiance-related</b>	<b>Security-related</b>	<b>Terrorism-related</b>
allegiance	aggression	terrorism
disaffection	crimes against humanity	terror
discredit	crimes against state	terrorist
disgrace	extremism	terrorists
disloyalty	extremist activities	
disregard	genocide	
duties	harm to the state	
exercise of foreign rights	hostile to state	
fidelity	hostilities	
foreign state	hostility	
loyalty	interests	
majesty	interests of the people	
prestige	international crimes	
reputation	international interests	
royal	international relations	
status	national security	
subversion	organisation	
treason	organised armed group	
unworthy	public good	

<b>Allegiance-related</b>	<b>Security-related</b>	<b>Terrorism-related</b>
disaffect	public order	
disaffected	safety	
discredits	security	
discredited	state interests	
discrediting	state orders	
disregards	state security	
disregarding	terrorism	
disregarded	violation	
subvert	vital state interests	
subverted	weapons	
subverting	aggressive	
disgraces	crime	
disgracing	crimes	
duty	extremist	
	harmful	
	terrorist	
	terror	
	weapon	
	hostile	
	hostilities	
	hostility	

## 10.2 Prevalence of security-based deprivation of citizenship in Europe, 1960–2022: share of states with relevant legal provision, by timing of independence.

NB: for this plot only, the Czech Republic is considered the successor of Czechoslovakia and Russia the successor of the Soviet Union (ie these states are considered independent before 1990).



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