



Grounds for Inadmissibility and Deportation for Terrorism-Related Offenses

France • Germany • United Kingdom

January 2005

LL File No. 2005-01542
LRA-D-PUB-000582

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FRANCE
GROUND S FOR INADMISSIBILITY AND DEPORTATION FOR
TERRORISM-RELATED OFFENSES

France does not have a specific provision setting forth the grounds of inadmissibility or deportation for terrorism-related offenses. Rather, it has catch-all provisions linking entry denial or deportation of foreigners to the level of threat to public order that the offender's presence on French territory constitutes. This broad approach gives the government great leeway. Some categories of foreigners are more protected than others when it comes to deportation, and the level of threat to public order that their presence constitutes must be more compelling.

I. Entry to French Territory

Ordinance 2004-1248 of November 24, 2004, sets forth the new Code on Entry and Residence of Foreigners and on Asylum Right. It provides that entry to French territory may be refused to any foreigner whose presence would constitute a threat to public order, or to anyone who is the subject of an order prohibiting his entering French territory or of an expulsion measure.¹ The notion of a threat to public order is difficult to define. It reflects the general police powers granted to the administration in matters of foreigners. The decision to deny entry may be based on the nature and gravity of some action(s) that the foreigner committed as well as on his personal and non-criminal behavior.²

The Code further provides that the head of the national police or customs in charge of the border controls or a designated civil servant is competent to deny such entry except in the case of an asylum request.³

The decision denying entry must be in writing and must state the grounds for denial. The individual is advised of his or her right to contact the person whom he or she had gone to visit (if any), his or her consulate, or a counsel of his or her choice, and of his or her right to refuse to be sent back before the expiration of a clear day. The decision must be communicated in a language that he or she can understand. The decision refusing entry to French territory may be enforced ex-officio by the administration.⁴

The carrier that took the foreigner to the French border by air, sea, or land is obliged to assume responsibility for him or her and to return him or her to either the state from which he or she was

¹ CODE ON ENTRY AND RESIDENCE OF FOREIGNERS AND ON ASYLUM RIGHT, art. L.213-1, *Journal Officiel* (Official Gazette of France), Nov. 25, 2004 at 19924.

² LAMY, DROIT DE L'IMMIGRATION, Vol. I at 150-1 (Lamy SA 1996).

³ *Supra* note 1. art. L.213-2.

⁴ *Id.*

transported, the state that issued his or her travel document, or a state that would guarantee him or her entry.⁵

The above provisions apply to foreigners who are not citizens of any of the Member States of the European Union.⁶

II. Deportation

The Code provides that a foreigner (with the exception of minors) may be deported if his or her presence within French territory constitutes a grave threat to public order.⁷ Administrative courts have found that a grave threat to public order exists as soon as a foreigner, through his behavior, represents a risk to the security of persons and property or that he is susceptible to infringe on public security. It appears that, in a judge's opinion, a threat is grave and justifies deportation as soon as it exists. The administrative authority that makes the deportation order cannot base its decision solely on criminal convictions of the foreigner but also considers general behavior.⁸

However, there are some categories of foreigners who cannot be deported unless their deportation would constitute "an imperious necessity" to national or public security. According to the administrative courts, "imperious necessity" to national or public security exists when there is repetition and increased gravity of punishable acts committed by an individual. The courts have found, for example, that arms transport; participation in armed groups that have carried out terrorist activities in France; relations with terrorist groups implicated in a bombing in France; rape; unlawful possession of drug; drug use; and drug trafficking are considered "imperious necessity."⁹

The categories cited above are as follows:¹⁰

1. A foreigner, who does not live in a state of polygamy, and who is the father or mother of a minor child who possesses French citizenship and resides in France, if he or she can establish at least a year of participation in the maintenance and education of the child since the child's birth;
2. A foreigner who has been married to a French citizen for at least two years, on condition that cohabitation has not ceased, and that the spouse kept his or her French citizenship;
3. A foreigner who can prove, by any means, that he has usually resided in France for more than fifteen years, unless during that period of time he had a temporary residence card stamped "student";
4. A foreigner who has lawfully resided in France for more than ten years, unless during that period of time he had a temporary residence card stamped "student"; and
5. A foreigner who receives an invalidity pension from a French organization and whose rate of permanent invalidity is equal to or higher than twenty percent.

⁵ *Id.* arts. L.213-4 to L.213-8.

⁶ *Id.* art. L.213-3.

⁷ *Id.* art. L521-1.

⁸ JURIS-CLASSEUR DE DROIT INTERNATIONAL, FRANÇOIS JULIEN-LAFERRIERE, *Condition des étrangers en France*, Fasc. 524-20, at 2 (Editions du Juris-Classeur 2004).

⁹ *Id.* at 9.

¹⁰ *Supra* note 1. art. L.521-2.

A foreigner who belongs to one of these categories can be deported, however, if his or her presence constitutes a grave threat to the public order and if he or she has been condemned to at least five years in prison. The condemnation must be final.¹¹

In addition, the Code provides for a list of categories of foreigners who can be deported only if their activities infringe upon the State's national interests; if they are linked to terrorism; or if they commit explicit and deliberate acts of provocation of discrimination, hate, or violence toward a person or a group of persons. They are the following:¹²

1. A foreigner who can prove by any means that he has usually resided in France since he reached the age of thirteen, at the oldest;
2. A foreigner who has resided lawfully in France for over twenty years;
3. A foreigner who has lawfully resided in France for over ten years, who does not live in a state of polygamy, and who has been married for at least three years to either a French citizen or a foreigner who belongs to category 1, on condition that cohabitation has not ceased;
4. A foreigner who has resided in France for over ten years, who does not live in a state of polygamy, and who is the father or mother of a minor child who possesses French citizenship and resides in France, if he or she can establish participation in the maintenance and education of the child since the child's birth or for at least a year; and
5. A foreigner who usually resides in France and whose state of health necessitates medical care, which, if withdrawn, would have exceptionally grave consequences, unless he or she can receive the same treatment in the country of deportation.

Foreigners in categories 3 and 4 will not benefit from the better treatment described above if the acts upon which the deportation order is based were committed against their spouse or children. Foreigners in the above categories will not be deported even if they were condemned to at least five years in prison.¹³

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¹¹ *Id.*

¹² *Id.* art. L.521-3.

¹³ *Id.*

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GERMANY
GROUND S FOR INADMISSIBILITY AND DEPORTATION FOR
TERRORISM-RELATED OFFENSES

After September 11, 2001, Germany enacted legislation that expanded the terrorism-related reasons for which aliens can be expelled or be denied admission. Additional strictures were introduced in 2004, following a major terrorist attack in Spain. According to current German law, aliens can be expelled or denied admission not only for offenses related to terrorism but also for being suspected of supporting terrorist organizations or of constituting a terrorist threat or a threat to German security.

I. Terrorism-Related Reasons for Removing an Alien

Since January 1, 2005, the effective date of the recently adopted Act on the Residence of Aliens,¹ the reasons for removing an alien who is connected to terrorism fall into two categories. The first of these is the conviction for a criminal offense for which a sentence of a certain magnitude has been imposed. The second is the mere existence of facts or circumstances that give rise to the suspicion that the alien constitutes a terrorist threat or poses a threat to German security.

The criminal offenses for which a terrorist may have been convicted in Germany are either ordinary crimes, such as murder or arson, or the offenses of sections 129(a) and 129(b) of the Criminal Code,² which penalize various forms of involvement with terrorist organizations. These sections are the only German criminal provisions dealing directly with terrorism, and for all other terrorist conduct the perpetrator is adjudged according to the generally prevailing criminal provisions.

Section 129 (a) of the Criminal Code penalizes the formation of, participation in, or support of a terrorist organization, which is defined as an organization directed toward the commission of certain listed crimes, among them various forms of homicide, crimes against personal liberty, and various forms of public endangerment. The penalties imposed by section 129 (a) range from a fine to up to ten years' imprisonment, depending on the severity of the involvement. Section 129 (b) makes section 129 (a) applicable to international terrorist organizations, if there are contacts to Germany, such as conduct in Germany or a German victim.

If an alien has been convicted under section 129 (a) or (b) of the Criminal Code, the size of the sentence determines whether expulsion is mandatory or discretionary. A sentence of at least three years imprisonment makes expulsion mandatory. For lesser sentences, other considerations are weighed in making the expulsion decision, and among these is long-term residency in Germany.³

¹ Aufenthaltsgesetz [AufenthG], July 30, 2004, BUNDESGESETZBLATT [BBG], official law gazette of the Federal Republic of Germany] I at 1950.

² Strafgesetzbuch, repromulgated Nov. 13, 1998, BGBI I at 3322, as amended.

³ AufenthG, §§ 53 – 56.

An expulsion or deportation for the mere suspicion of involvement with terrorism is to be pronounced when facts exist that justify the conclusion that the alien belongs or had belonged to a terrorist organization,⁴ or when the alien makes untrue statements about his affiliation to individuals or organizations that are suspected of supporting international terrorism.⁵ Moreover, an alien can be summarily deported when facts exist that support the suspicion that the alien poses a terrorist threat or endangers German security.⁶

II. Procedural Considerations

Two different procedures can be applied for removing an alien for reasons related to terrorism. An alien can be removed either through the pronouncement of his expulsion that will be followed by his deportation, if he does not leave as ordered, or by a deportation that is ordered summarily. An expulsion order is issued in an expulsion proceeding, and there are considerable possibilities for the alien to remain in Germany while lodging an appeal with the courts. The only remedy to postpone a summary deportation order, on the other hand, is a petition for injunctive relief that must be lodged within seven days. A summary deportation order can be issued on the mere determination that an individual poses a terrorist threat.⁷

The reasons for removing aliens also constitute a bar to their admission to Germany.⁸

III. Historic Development

Following September 11, 2001, Germany enacted several packages of antiterrorism laws⁹ that were aimed at increasing domestic security and combating international terrorism. Among these enactments were changes to the then governing Act on Aliens¹⁰ that make it easier to deny admissions to individuals suspected of terrorist affiliations and to also facilitate the expulsion or deportation of such aliens. However, these provisions were still considered too lax, especially after the terrorist attacks in Madrid, in March 2004.¹¹ When a new immigration law package was enacted in July 2004, the current provision of the Act on the Residence of Aliens were introduced. The novelty of these provisions is that expulsion and/or deportation of aliens has now become possible on the mere suspicion that the alien may constitute a serious threat to German security or might be a terrorist threat.¹²

IV. The Practice

The Courts have not as yet had occasion to adjudicate the new provision on deporting aliens on the mere suspicion of being dangerous. In the legal literature the opinion has been expressed that the provision will be used only in egregious cases, due to its potential for being irreconcilable with fundamental freedoms guaranteed by domestic and international instruments.¹³ However, the courts have

⁴ *Id.*

⁵ *Id.* § 54 ¶ 5 (a) and ¶ 6.

⁶ *Id.* at § 58 (a) ¶ 1.

⁷ *Id.* At 58 (a) ¶1.

⁸ *Id.* at § 5 ¶ 4.

⁹ Among them, Terrorismusbekämpfungsgesetz, Jan. 9, 2002, BGBl I at 361, amending various immigration laws.

¹⁰ Ausländergesetz 1990, July 9, 1990, BGBl I at 1354, as amended.

¹¹ S. Schmahl, *Internationaler Terrorismus aus der Sicht des deutschen Ausländerrechts*, 24 ZEITSCHRIFT FÜR AUSLÄNDERRECHT UND AUYLÄNDERPOLITIK [ZAR] 214 (2004).

¹² AufenthG, § 58 (a).

¹³ R. Marx, *Terrorismusbekämpfung des Zuwanderungsgesetzes*, 24 ZAR 275 (2004).

frequently upheld terrorism-related deportations that were based on the law as in effect before the year 2005.¹⁴

The most recent court case on an administrative summary deportation order was decided by the Administrative Court of Duesseldorf on December 23, 2004.¹⁵ In this decision, the Court denied injunctive relief to a supporter of Hezbollah against whom a summary deportation order had been issued. The Court refused to stay the deportation on the grounds that the petitioner's chances of winning the appeal were slim. The Court found it likely that Hezbollah qualified as a terrorist organization within the meaning of the Common Position of the Council of the European Union¹⁶ and the International Convention for the Suppression of the Financing of Terrorism.¹⁷ This decision on the injunction, as well as the still unissued decision on the merits of the case, may be of interest in determining how the courts will interpret the recently enacted deportation provisions.

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¹⁴ *Id.*

¹⁵ Verwaltungsgericht Düsseldorf, docket no. 24 L 3189/04.

¹⁶ Council Position on the application of specific measures to combat terrorism, Dec. 27, 2001, *Official Journal of the European Communities*, L 344/93.

¹⁷ International Convention for the Suppression of the Financing of Terrorism, signed at New York, July 20, 2000, ratified by Germany Dec. 19, 2003, BGBI II at 1923.

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UNITED KINGDOM

**GROUND FOR GROUNDS FOR INADMISSIBILITY AND DEPORTATION FOR
TERRORISM-RELATED OFFENSES**

I. Inadmissibility

The statutory regime governing immigration in the United Kingdom is contained in the Immigration Act 1971¹ and the Immigration Rules² made under it. The law requires that individuals who are not British or Commonwealth citizens with a right of abode in the UK, nor members of the European Economic Area³ obtain leave to enter the United Kingdom from an immigration officer upon their arrival.⁴ Immigration officers cannot refuse or cancel leave to enter the United Kingdom without obtaining the authority of a Chief Immigration Officer or an Immigration Inspector.⁵

Leave to enter the United Kingdom can be refused⁶ on the grounds that:

- The person seeking entry is subject to a deportation order;
- The person is seeking entry for a purpose not covered in the immigration rules;
- The Secretary of State has personally directed that the exclusion of a person is conducive to the public good;
- Previous leave to enter or remain was obtained by deception;
- The person was convicted of an offense which would be punishable in the United Kingdom by 12 months or more imprisonment;
- The Immigration Officer has information available to him that the individual's exclusion from the United Kingdom is conducive to the public good, "for example in the light of the character, conduct or associations of the person seeking leave to enter it is undesirable to give him leave to enter."⁷

¹ Immigration Act 1971, c. 77.

² Immigration Rules, H.C. 395 (1994), as amended.

³ The European Economic Area consists of the Members of the European Union, plus Norway, Iceland and Liechtenstein.

⁴ Immigration Act 1971, c. 77, § 3 and Immigration Rules, ¶ 7.

⁵ Immigration Rules, H.C. 395 ¶ 10, at http://www.ind.homeoffice.gov.uk/ind/en/home/laws_policy/immigration_rules/part_1.html (last visited Jan. 27, 2005).

⁶ The legislative basis for refusing leave to enter is contained in section 3(1)(a) of the Immigration Act 1971, c. 77.

⁷ Immigration Rules, H.C. 395 Part 9, at http://www.ind.homeoffice.gov.uk/ind/en/home/laws_policy/immigration_rules/part_9.html (last visited Jan. 27, 2005).

When individuals are refused leave to enter, they should be given personally a notice in writing refusing leave to enter within 24 hours of the conclusion of the person's examination.⁸ The notice should explain the reasons for the decision, the right of appeal, if one exists, and advice with regard to the directions that will be given for the removal.⁹ There is a carrier's liability provision in the United Kingdom that requires owners or agents of the ship or aircraft in which the passenger arrived in the United Kingdom to be liable for the expenses incurred as a result of refusing an individual's leave to enter.¹⁰

“Conducive to the public good” in the Immigration Rules refers to individuals who may pose a threat to public order; have previous criminal convictions; or are associated with and seeing individuals not conducive to the public good.¹¹ With regard to the Secretary of State's discretion in making such an order the courts have found that the Secretary of State, rather than the courts, is more suited to make such a determination as he is “better placed to reach an informed decision about the likely consequences of admitting”¹² an individual into the United Kingdom; is democratically accountable for his decision; and the decision typically involves a wide range of consultation that the Secretary of State has at his disposal. In 2000, the Secretary of State directed that a citizen from the United States of America be excluded from the United Kingdom on the grounds that it would not be conducive to the public good, as the presence of the individual, a spiritual leader of Islam, might give rise to public disorder.¹³ In this instance, the courts upheld the Secretary of State's order as being proportionate interference with the freedom of individual expression.

Under the Prevention of Terrorism (Temporary Provisions) Act 1989, the Secretary of State had the authority to issue an exclusion order to exclude or deport individuals whose presence is not considered to be conducive to the public good. Specifically, the Secretary of State could exclude individuals whom he was satisfied were currently, or had been, involved in the commission, preparation or instigation of acts of terrorism, either domestically or internationally.¹⁴ As the powers were contained in temporary legislation and the government did not extend them, they lapsed. In a government report discussing the possibility of repealing them, the orders were described as useful but with limited and diminishing utility.¹⁵ The reduction in use of the orders, combined with other powers of “keeping suspected terrorists

⁸ Immigration Act 1971, sch. 2, ¶ 6(1).

⁹ Immigration Directorates' Instruments, Ch. 9, § 8, ¶ 2 (Sept. 2004) at http://www.ind.homeoffice.gov.uk/ind/en/home/laws_policy/policy_instructions/table_of_contents/chapter_9.Maincontent.0008.file.tmp/6PROCEDTXT.pdf (last visited Jan. 28, 2005).

¹⁰ Immigration Act 1971, c. 77, sch. 2, ¶ 19.

¹¹ Immigration and Nationality Directorate, Policy Instructions, ch. 9, annex B at http://www.ind.homeoffice.gov.uk/ind/en/home/laws_policy/policy_instructions/table_of_contents/chapter_9/annex_b_-_cancellation.textonly.html (last visited Jan. 28, 2005).

¹² R (Farrakhan) v Secretary of State for the Home Department, Apr. 2002, at <http://www.lawreports.co.uk/civapr0.6.htm> (last visited Jan. 28, 2005).

¹³ *Id.*

¹⁴ Prevention of Terrorism (Temporary Provisions) Act 1989, §§4-8.

¹⁵ In 1982, 248 orders were in force, dropping down to 12 in 1997.

under surveillance, investigating their activities and, ultimately, charging those suspected of any crime” led the government to repeal the exclusion order and not re-enact it.¹⁶

Any person arriving in the UK can be detained by an immigration officer pending his/her examination and the decision to grant leave to enter. The Immigration and Asylum Act 1999¹⁷ extended this power of detention to cases where there are reasonable grounds for believing that directions may be given to refuse leave to enter or remain or where removal orders have been given under the Immigration Act 1971.¹⁸ While there is no express time limit stated in the legislation on the duration that the individual can be detained, the courts have ruled that the duration of detention is subject to implied limitations for a period that is reasonably necessary, and that if the duration of detention continues for longer than this period, the need for detention should not have been used.¹⁹ The Home Secretary has determined that a reasonable period is less than one week, unless a slightly longer period will “enable the speedy determination of the application for leave to enter.”²⁰

II. Deportation

Deportation in the United Kingdom is subject to the prohibition on *refoulement* although the United Kingdom has passed some highly controversial provisions that allow the detention of individuals whom they wish to deport but cannot due to this prohibition.²¹ The statutory regime for deportation from the United Kingdom is contained in the Immigration Act 1971. This Act provides that a person can be deported from the United Kingdom by a deportation order if not a British citizen and the Secretary of State has deemed “the person’s deportation to be conducive to the public good; where the person is the spouse or child under 18 of a person ordered to be deported; or where a court recommends deportation in the case of a person over the age of 17 who has been convicted of an offence punishable with imprisonment.”²² Guidance to the Immigration Act and Immigration Rules has interpreted “conducive to the public good” to include instances where the person has been convicted of a serious offense, or a number of minor offenses in which the court did not recommend deportation, or where the person obtained indefinite leave to remain by deception. The deportation order is revocable by a further order from the Secretary of State, or if the person becomes a British citizen.²³

The law applying to nationals of Member States of the European Union (European Economic Area Nationals) varies as a result of Council Directive 64/221 EEC. This Directive provides that nationals of Member States can only be deported on the grounds of public policy, public security or public health. The Home Office has stated that deportation of nationals of Member States typically

¹⁶ HOME DEPARTMENT, LEGISLATION AGAINST TERRORISM, 1998, Cm. 4178 at <http://www.archive.official-documents.co.uk/document/cm41/4178/4178.htm> (last visited Jan. 28, 2005).

¹⁷ Immigration and Asylum Act 1999, c. 33.

¹⁸ Immigration Act 1971, c. 77, sch. 2, & 19.

¹⁹ *Hani El Sayed Sabaei Youssef v The Home Office*, [2004] EWHC 1884 (QB).

²⁰ House of Commons Library Research Paper, The Anti-Terrorism, Crime and Security Bill: Parts IV & V: Immigration, Asylum, Race and Religion, 01/96 (Nov. 2002) ¶ 67 at <http://www.parliament.uk/commons/lib/research/rp2001/rp01-096.pdf> (last visited Jan. 28, 2005).

²¹ This provision has recently been successfully challenged and the government is currently introducing new legislation on this issue. For further information see Law Library Report, Preventive Detention, 2002-0519, September 2002.

²² Immigration Act 1971, c. 77, § 3(6) and see also the Immigration Rules, ¶ 362. If this notice is not given, the individual is deemed to have been given leave to enter the United Kingdom for 6 months.

²³ Immigration Act 1971, c. 77, § 5.

occurs when the person is convicted of a serious criminal offence that gives rise to one of the grounds listed above.

A Criminal Casework Team initiates enforcement actions against individuals who have been convicted of an offense punishable with imprisonment or whose deportation is conducive to the public good. Prior to making a deportation order, the Secretary of State must consider “whether deportation is the right course on the merits, the public interest [must] be balanced against any compassionate circumstances of the case.”²⁴

Persons awaiting deportation can be detained but have a right to bail unless, “on the balance of probabilities, there is a substantial likelihood that the individual:

- Will commit an offense punishable with imprisonment;
- Will be a serious threat to the maintenance of public order;
- Has knowingly entered the United Kingdom with others in breach of immigration law; or
- Where directions for removal from the United Kingdom are in force; or
- It will be in the interests of national security; or
- It is conducive to the public good; or
- Another person to whose family he belongs is or has been ordered to be deported.²⁵

When an order for deportation is made against an individual for reasons of national security or is conducive to the public good a statement of the reasons for the decision should be made.

One issue that has arisen in the United Kingdom with relation to the deportation of individuals considered to be involved in terrorism is that a number of individuals who would otherwise be liable for deportation have already obtained British citizenship. The government updated the law that allows the Secretary of State to make an order to deprive individuals of their citizenship, unless it would render them stateless, in cases where the Secretary of State is satisfied that the person has “done anything seriously prejudicial to the interests of the United Kingdom or a British Overseas Territory.”²⁶ The Secretary of State can also deprive citizenship from individuals who obtained citizenship through naturalization if the citizenship was obtained through fraud, false representation or concealment of a material fact.²⁷ The government stated that concealing past involvement in terrorism would be considered a material fact and that:

Although it is not always possible in such cases to take subsequent action to remove an individual from the UK, the Government considers that deprivation action would at least mark the UK’s abhorrence of their crimes and make it clear that the UK is not prepared to

²⁴ Immigration Rules ¶ 364.

²⁵ Immigration Act 1971, c. 77, § 3(6).

²⁶ British Nationality Act 1981, c. , § 40(2) as amended by the Nationality, Immigration and Asylum Act 2002, c. 41, § 4.

²⁷ *Id.at* § 4.

welcome such people as its citizens. This action would also enable us to withdraw protection provided to British citizens abroad and the representation which our extensive Diplomatic Service offers.²⁸

There is a right of appeal to an Immigration Tribunal of any decision made to deprive a person of citizenship. Almost immediately after the new powers came into force the government moved to strip the infamous Muslim Cleric, Abu Hamza al-Masri, of his British citizenship. The government had expressed frustration in the past over their inability to deport Hamza, and prior to the coming into force of the legislation that would allow the government to do so a Member of Parliament stated that:

Abu Hamza continues to spread his message of hate against Jews, Hindus, the US and Britain, has seditiously abused the sanctity of Finsbury Park Mosque to incite violence and race hatred, and actively recruited among British Muslims for terrorism abroad and fundraised for terrorist groups, is wanted overseas for serious terrorism offences, is there any reason why Section 4 of the Act should not be used to deprive him of his citizenship of our country, which he so obviously despises? That should be followed swiftly by the deportation that the British people think is long overdue and richly deserved.²⁹

Allowing the deportation of individuals who have been convicted of an offense punishable with imprisonment, upon the recommendation of the court, also allows the deportation of individuals who have been convicted of an offense under any of the wide-ranging provisions of the United Kingdom's anti-terror legislation.³⁰ Offences under these acts include membership, support (monetary or otherwise), of a proscribed organization;³¹ raising or possessing funds or providing support (monetary or otherwise) for the purposes of terrorism; involvement in money laundering of terrorist property; failing to disclose knowledge of the above offenses;³² directing a terrorist organization; inciting terrorism overseas; instructing, training or using weapons, or making weapons for terrorist purposes; possessing articles for a purpose connected with the commission, preparation or instigation of an act of terrorism; or collecting information for terrorist purposes.³³ To speed up the process of appeals relating to immigration cases, the Special Immigration Appeals Commission (SIAC) was established.³⁴ The first case brought before the SIAC involved a Muslim Cleric who was involved in an organization through raising funds and training British citizens. The SIAC concluded that the individuals' activities were a threat to the national security of the United Kingdom and confirmed a deportation order, although the term national security was, according to many, not adequately defined.

²⁸ HOME OFFICE, SECURE BORDERS, SAFE HAVEN: INTEGRATION WITH DIVERSION IN MODERN BRITAIN, 2002, Cm. 5387 ¶ 2.22, at http://www.refugeecouncil.org.uk/downloads/white_paper/white_paper.pdf (last visited Jan. 27, 2005).

²⁹ 399 PARL. DEB., H.C. (5th ser.) (2003) 11. See also Greg Hurst and Richard Frost, *Hamza Faces Being Stripped of Passport by New Law*, TIMES (London), Feb. 25, 2003, at <http://www.timesonline.co.uk/article/0,2-590636,00.html> (last visited Jan. 27, 2005).

³⁰ For example, the Terrorism Act 2000, c. 11 and the Anti-terrorism, Crime and Security Act 2001, c. 24.

³¹ The Terrorism Act 2000, c. 11, § 3 granted the Secretary of State the power to proscribe terrorist organizations concerned in international or domestic terrorism, as well as Irish terrorism. Organizations can be proscribed when the Secretary of State has a subjective belief that an organization is promoting, encouraging, preparing for, committing, participating in, or is otherwise concerned in acts of terrorism. One aim of prohibiting terrorist organizations is to prevent the UK from becoming a base for international terrorist financing by prohibiting the supply of materials to proscribed terrorist organizations and enabling authorities to seize their assets. The provisions also aim to address concerns that refugees would participate in activities related to terrorism while in the UK.

³² Terrorism Act 2000, c. 11, §§ 15 - 19.

³³ *Id.* at part VI.

³⁴ Immigration and Asylum Act 1999, c. 33, part IV.

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