



## Revocation of citizenship was not arbitrary and did not have disproportionate consequences

In today's **Chamber** judgment<sup>1</sup> in the case of **Ramadan v. Malta** (application no. 76136/12) the European Court of Human Rights held, by five votes to two, that there had been:

**no violation of Article 8 (right to respect for private and family life)** of the European Convention on Human Rights.

The case concerned the revocation of an acquired citizenship. Mr Ramadan (the applicant), originally an Egyptian citizen, acquired Maltese citizenship following his marriage to a Maltese national. It was revoked by the Minister of Justice and Internal Affairs following a decision by the relevant domestic court to annul the marriage on the ground that Mr Ramadan's only reason to marry had been to remain in Malta and acquire Maltese citizenship.

In the circumstances of Mr Ramadan's case, the Court found that the decision depriving him of his citizenship, which had had a clear legal basis under the relevant national law and had been accompanied by hearings and remedies consistent with procedural fairness, had not been arbitrary. Besides, Mr Ramadan, who was not threatened with expulsion from Malta, had nonetheless been able to pursue his business activities and to reside in Malta and it had still been open to him to apply for a work permit and a residence permit there, which could eventually also make him eligible for citizenship. Lastly, he had not sufficiently convinced the Court that he had relinquished his Egyptian nationality nor demonstrated that he would not be able to re-acquire it if he had done so.

### Principal facts

The applicant, Louay Ramadan, was born in 1964 in Egypt and currently lives in Hamrun (Malta). He is apparently stateless.

Originally an Egyptian citizen, he acquired Maltese citizenship following his marriage to a Maltese national in 1993. He had to renounce his Egyptian citizenship as, at the time, dual nationality was not possible under either Egyptian or Maltese law. A child was born of the marriage in 1994. The marriage was annulled in January 1998 on the ground that it had been simulated since his only reason to marry had been to remain in Malta and acquire Maltese citizenship.

Referring to that decision, the authorities then revoked Mr Ramadan's citizenship in July 2007, concluding that he had obtained Maltese citizenship by fraud. Mr Ramadan, represented by a lawyer, was heard by the authorities in relevant inquiry proceedings before they came to their decision, having taken into consideration oral and written submissions, and evidence, including witness testimony. He later unsuccessfully mounted a constitutional challenge to that decision.

In the meantime, Mr Ramadan remarried in 2003 in Malta to a Russian national with whom he has two children, both of whom are Maltese nationals. He is currently still residing in Malta with his second wife and their two children and, is in possession of a trading licence and carries out his business there.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution).

The Minister of Justice and Internal Affairs' order of July 2007 to deprive Mr Ramadan of his citizenship with immediate effect remains in force. However no action has been taken to date in pursuit of the order and no removal order has been issued.

## Complaints, procedure and composition of the Court

Relying on Article 8 (right to respect for private and family life), Mr Ramadan complained about the decision to deprive him of his Maltese citizenship, asserting among other things that he was now stateless since he had had to renounce his Egyptian citizenship in order to become a citizen of Malta and was currently at risk of removal.

The application was lodged with the European Court of Human Rights on 21 November 2012.

Judgment was given by a Chamber of seven judges, composed as follows:

András **Sajó** (Hungary), *President*,  
Boštjan M. **Zupančič** (Slovenia),  
Paulo **Pinto de Albuquerque** (Portugal),  
Krzysztof **Wojtyczek** (Poland),  
Egidijus **Kūris** (Lithuania),  
Gabriele **Kucsko-Stadlmayer** (Austria) and,  
David **Scicluna** (Malta), *ad hoc Judge*,

and also Marialena **Tsirli**, *Section Registrar*.

## Decision of the Court

The Court observed that a loss of a citizenship already acquired or born into, as in Mr Ramadan's case, could have the same (and possibly a bigger) impact on a person's private and family life as a person claiming the right to acquire citizenship or complaining about the denial of recognition of such citizenship. Thus, also in these situations an arbitrary revocation of citizenship could in certain circumstances raise an issue under Article 8 of the Convention because of its impact on the private life of the individual.

However, the decision to withdraw Mr Ramadan's citizenship had not been arbitrary. It had had a clear legal basis, namely under Article 14 of the Maltese Citizenship Act, and had been accompanied by the necessary procedural safeguards, Mr Ramadan having been given the possibility to defend himself first in a procedure accompanied by hearings and during which he was represented by a lawyer and then before the constitutional jurisdictions offering relevant guarantees. Any delay between the annulment of the marriage and the adoption of the revocation decision had not disadvantaged Mr Ramadan, who had continued to benefit from the situation, bearing in mind also that that situation had come about as a result of his fraudulent behaviour. Indeed, any consequences complained of were to a large extent a result of his own choices and actions.

As regards the consequences of the withdrawal of citizenship, the Court noted among other things that: Mr Ramadan was not currently at risk of removal from Malta; he had been able to pursue his business activities and to reside in Malta; it had still been open to him to apply for a work permit and a residence permit in Malta, which could eventually make him eligible for citizenship; and, he had not entirely convinced the Court that he had relinquished his Egyptian nationality nor demonstrated that he would not be able to re-acquire it if he had done so.

Therefore, bearing in mind the situation as it stood to date, the Court found that there had been no violation of Article 8 of the Convention.

## Separate opinion

Judge Pinto de Albuquerque expressed a dissenting opinion and Judge Zupančič made a statement of dissent, which are both annexed to the judgment.

*The judgment is available only in English.*

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.