



Counter-Terrorism and Security Bill

Top Lines

- We need a power to disrupt and control the return to the UK of British citizens who have engaged in terrorism-related activity abroad (TRA). The introduction of Temporary Exclusion Orders will allow us to do this.
- This power will enable the Secretary of State (SoS) to create an order which can temporarily disrupt the return to the UK of a British citizen suspected of involvement in terrorist activity abroad – ensuring that when individuals do return, it is done in a manner which we control.
- It would be enforced through cancelling the individual's travel documents and adding them to watch lists (including the authority-to-carry i.e. 'no fly' list). It will also allow for the imposition of certain requirements on the individual once they return to the UK.

Background

- On 29 August, the Joint Terrorism Analysis Centre increased the UK terrorism threat level from 'Substantial' to 'Severe', in response to the conflicts in Iraq and Syria. The two conflicts have created an environment where terrorist groups, including ISIL and Al Qaeda linked groups, are able to plan attacks against the West. The number of UK-linked individuals in Iraq or Syria – including at least 500 British nationals of interest to our authorities – further heightens the threat to the UK.
- We already have powers to block foreign nationals who have travelled to fight in Syria and Iraq from travelling to the UK. We can deprive dual nationals of their citizenship to stop them returning; we can bar foreign nationals on the basis of the threat they pose; and we legislated, in the Immigration Act 2014, to allow stronger powers to strip citizenship from naturalised Britons.
- However, these powers do not apply to those who are solely British nationals, who would be rendered stateless if deprived of citizenship. In order to address this gap, we need a targeted, discretionary power to allow us to exclude British nationals from the UK temporarily and to manage their return in line with our international obligations.
- These Orders will provide valuable operational capability in compliance with our international legal obligations.

Key facts

- Approximately 500 British nationals of interest to the police and security service who have travelled to Syria and Iraq. A number of these will have been radicalised and could pose a threat to the UK if they return here.
- French national Mehdi Nemmouche claimed responsibility for a shooting at a Jewish museum in Brussels in May 2014. Nemmouche had spent over a year in Syria and had links with radical Islamists.

Key quotes

"A growing proportion of our casework now has some link to Syria, mostly concerning individuals from the UK who have travelled to fight there or who aspire to do so."

Andrew Parker, Director-General of MI5

"The thing we're worried about is so many people from Britain have gone to Syria and potentially Iraq to get involved in terrorism. We think at least 500 to 600 went. Some have come back. We've got to keep an eye on them. They risk being militarised and they are in a network of terrorists."

Sir Bernard Hogan-Howe, Metropolitan Police Commissioner

"We are concerned that people coming back [from Syria] may have been radicalised."

Sir Peter Fahy, Greater Manchester Police Commissioner



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How will this work in practice?



What is a Temporary Exclusion Order?

- A Temporary Exclusion Order ('TEO') is a statutory order which temporarily disrupts the return to the UK of a British citizen suspected of involvement in terrorist-related activity abroad.
- It makes it unlawful for the individual to return to the UK without engagement with the UK authorities.
- It is supported by cancellation of the individual's travel documents and inclusion of their details on watch lists. It also allows for the imposition of certain requirements on the individual once they return to the UK.

What is the threshold for imposition of a TEO and who will impose it?

- The order will be imposed by the Secretary of State, usually the Home Secretary, where they 'reasonably suspects that the subject is or has been involved in terrorism-related activity while outside the UK'.

What will happen to an individual subject to a TEO if they attempt to travel to the UK?

- If an individual subject to an order attempted to travel to the UK, we would work closely with the host country and consider appropriate action.
- This may include detention pending deportation action, where appropriate under the laws of the other country.
- Where appropriate, UK police officers will escort TEO subjects back to the UK.
- Once back in the UK, we would require the individual to take part in an interview with the police, in order to explore their activities abroad.
- We could then subsequently require them to engage with a programme potentially comprising reporting, notification of change of address and de-radicalisation activities.
- MI5, police and the CPS would also consider any grounds for prosecution or imposing other measures.

What new offences are being created as part of this measure?

- The introduction of the TEO policy will create two new offences: returning to the UK in breach of the TEO and breaching the in-country obligations.

Won't this rely on the cooperation of other countries?

- We are working with other countries, particularly Turkey, France and other EU partners, to ensure effective practical implementation of these proposals.

What right of appeal do TEO subjects have?

- A TEO subject would be able to seek a judicial review of the decision to issue the Order.