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A day in the life of...

Alice Eckstein, Executive Director, Center for Global Affairs, NYU School of Professional Studies

“I think the academic community could engage more actively with the general public on the issue of statelessness – there is such a huge knowledge gap on what statelessness is, whom is most affected by it, and what the long-term impacts of statelessness are on both individuals and communities.”

Read the full interview in this month’s “A day in the life of...” at the bottom of this bulletin.

Academic Meeting on ‘Statelessness, Citizenship & Inclusion’

Earlier this month, the Institute on Statelessness and Inclusion – in cooperation with the NYU Centre for Global Affairs and Open Society Justice Initiative – convened a meeting which brought together global experts working in the field of statelessness (and other relevant fields). During the meeting, experts explored how scholars have engaged with statelessness in the past, and how to achieve a sustained, interdisciplinary, and inter-sectoral engagement with the issue in the future. This expert meeting formed part of a broader, week-long programme of activities for academics, which also included an exchange of experiences on teaching statelessness, dialogues between scholars and practitioners, masterclasses, and workshops. Read the summary document [here](#).



One of the key outcomes was the establishment of a dedicated mailing list for circulating new publications, conference announcements, calls for research collaboration, etc. The Listserv International Network of Statelessness Scholarship (INOSS) has been established to facilitate this. You can subscribe online via [this](#) link or by sending an email to listserv@jiscmail.ac.uk (Subject: Subscribe; Message: SUBSCRIBE INOSS Firstname Lastname). Participants also showed interest in engaging in more teaching about statelessness within academia by sharing examples of teaching modules, case studies, syllabi and feedback on different teaching approaches. A Yammer Group on Teaching Statelessness has been established to facilitate this. Write to laura.vanwaas@institutesi.org to be added to the group.

US Supreme Court rules on several cases relating to citizenship rights

In [Sessions v. Morales-Santana](#) the U.S. Supreme Court issued a decision requiring the Immigration and Nationality Act to be adjusted to remove discrimination against U.S. citizen men in their ability to transmit their citizenship to their children. Currently the law discriminates against fathers, granting women more favourable terms regarding the transmission of U.S. citizenship to their children born outside the United States as the main norm applicable to unmarried couples requires the U. S. citizen parent to have ten years' physical presence in the United States before the birth of the child, of which at least five must be after age 14. However, Congress introduced an exception which allows unwed U.S. citizen mothers to transmit citizenship to their children born outside the U.S. if they lived continuously in the United States for just one year before the child was born. The case of Morales-Santana revolves around the question of whether Luis Ramón Morales-Santana is a U.S. citizen. He was born in the Dominican Republic, to a U.S. citizen father, José Morales, and a Dominican mother. They were unmarried at the time of his birth, although José recognized the child as his when the baby was born. **The Supreme Court affirmed that discriminatory residency requirements that impact on the transmission of citizenship violate the equal protection clause of the U.S. Constitution.** Although the ruling presents an important win in the fight for gender equal nationality rights because it acknowledges that the law is discriminatory and orders it to be modified to ensure equality, the decision also has some drawbacks by creating the possibility that the residency period for mothers will be extended, in order to match that of fathers, i.e. a 'levelling down'. If this is the approach adopted, it is likely to give rise to further issues relating to the enjoyment of U.S. citizenship by children of U.S. citizen parents born abroad and could increase the risk of statelessness in some contexts – especially in light of the trend away from marriage and towards informal partnerships. Read our full analysis [here](#).

The case of [Maslenjak v. United States](#) centres on [Divna Maslenjak](#) who - together with her family - fled to the U.S. in 2000 and received refugee status. She naturalized in 2007; however, it was later discovered that she had lied to U.S. officials, stating that her husband had not participated in Bosnia's civil war. He had in fact served in a brigade involved in the Srebrenica massacre of 1995. **The Supreme Court ruled that the government cannot revoke a person's U.S. citizenship for lying to immigration authorities, unless the facts would have resulted in denial of citizenship.** The plaintiff argued that the false answers she gave to immigration officials were not answers to any provisions for acquiring citizenship, while she had been convicted under a federal law that provides for the revocation of citizenship when an individual knowingly procures citizenship in an illegal manner. In the decision, Justice Kagan wrote that the provisions are "not a tool for denaturalizing people who, the available evidence indicates, were actually qualified for the citizenship they obtained." It is important to note that the Trump administration seems eager to [revoke the U.S. citizenship of convicted terrorists](#) (and perhaps others) in the future. In fact, in March, the Justice Department filed a lawsuit which seeks to strip Iyman Faris—a Pakistani-born truck driver convicted in 2003 of plotting to blow up the Brooklyn Bridge—of his U.S. citizenship.

On 26 June 2017, in [Marisa N. Pavan et al. v. Nathaniel Smith](#) **the Supreme Court ruled that the US Constitution requires states to list married same-sex couples on their children's birth certificate.** Arkansas issues marriage licenses to same-sex couples; however, when these couples had children, the state has refused to list both parents on the birth certificate. It should be noted that Arkansas already lists non-biological parents on birth certificates; in cases of artificial insemination, for example, the child's birth certificate lists the mother's husband as the father, irrespective of whether he is the biological father or not. However, Arkansas has refused to extend its birth certificate rules to cover same-sex parents. The Court held that since Arkansas law already "makes birth certificates about more than just genetics," the state cannot discriminate against same-sex couples.

Newly updated statelessness statistics reveal ongoing challenges in measuring the issue

On 19 June, UNHCHR released its [Global Trends: Forced Displacement in 2016](#) report, with updated statistics on the global scale of statelessness. The data and narrative offered in the report confirm that the statistical picture of statelessness remains both incomplete and complex – a problem discussed in some detail in, amongst others, the [2013 UNHCR Statistical Yearbook](#). According to the report, "60,800 stateless people in 31 countries acquired nationality" in 2016. Côte d'Ivoire, Kyrgyzstan, the Philippines, the Russian Federation, Tajikistan and Thailand

contributed most significantly to this achievement. While the 2015 Report estimated a global stateless population of at least 10 million (comprising nearly 3.7 million known cases plus the estimated unknown cases), the new report estimates a 2016 population of at least 10 million people who were “stateless or at risk of statelessness”. The introduction of the category of persons at “risk of statelessness” in the new report is not explained, and its significance is unclear. Furthermore, while in [last year’s Global Trends report](#), data was reported on stateless populations for 77 countries, this year’s report includes data on 75 countries. The two countries no longer included are the Dominican Republic (133,770 people reported previously) and Zimbabwe (300,000 people reported previously). With this change, the total known stateless population has dropped from nearly 3.7 million, to a little over 3.2 million. It is important to note, that this change should not be interpreted to mean that the statelessness problem in either state has been resolved. You can read our full analysis [here](#).

European Parliament holds hearing on statelessness in the EU

A joint hearing on statelessness took place at the European Parliament on June 29. Statelessness-related issues fall within the scope of the European Parliament’s Committee on Civil Liberties, Justice and Home Affairs (LIBE). EU citizens have signed petitions to the European Parliament, asking it to address this issue. In the hearing statelessness was discussed, with an emphasis on: the observation of practices and approaches to address this issue in various EU Member States, preventing childhood statelessness, and identification and protection of stateless persons, especially regarding detention. Katja Swider presented some of the main findings of a [study](#) commissioned by the European Parliament to look at these issues, which was published in late 2015. The other speakers included representatives from the European Commission, the European Network on Statelessness, European Migration Network, Institute on Statelessness and Inclusion, UNHCR, UNICEF, Fundamental Rights Agency. See the programme [here](#). The European Network on Statelessness wrote a briefing note, which can be found [here](#). The [webcast of the hearing can be viewed online](#) and there is also a subsequent [EP VoxBox debate](#) with some of the speakers. An interesting article providing background and analysis on some of the questions discussed at the hearing, by Katja Swider and Maarten den Heijder, was published earlier this year in the European Journal of Migration Law: [Why Union Law Can and Should Protect Stateless Persons](#).



What’s new: Law and policy

Serbian Constitutional Court rejects an appeal on behalf of a stateless child: In May 2017 the Serbian Constitutional Court rejected Praxis’ appeal (lodged in 2015) on behalf of a child who could not be registered immediately after birth because his mother was undocumented. The Court rejected the appeal because it considered that the question was no longer relevant since the baby had been registered 7 months after initially lodging the appeal.

Chile has pledged to eradicate statelessness in its territory, and to accede to the 1954 and 1961 Conventions. The pledge took place at a ceremony in the capital celebrating the restoration of Chilean nationality of a number of youths who were at risk of statelessness. The ceremony was made possible by the work of [Legal Clinics](#) by Diego Portales University and Alberto Hurtado University, the Migrant Jesuit Service, and Open Society Justice Initiative.

Brazil has adopted a new migration law which includes the creation of two mechanisms for protection, one of them for stateless persons. This new development is the result of the commitment made in the 2014 Brazil Declaration and Plan of Action. Through this new mechanism, once a stateless person’s status is determined, they will receive permission for permanent residency in Brazil and can access facilitated naturalisation.

108 Indonesians living in Sarangani province obtain nationality: At least 108 stateless persons of Indonesian descent living in the Philippines have acquired a nationality. This is the result of joint effort resulting from cooperation between the Philippines and Indonesia. According to UNHCR, “Glan and the Northern Sulawesi province of Indonesia are separated by 200 kilometres of sea travel, and migration between the two islands is not

uncommon...because of the unfamiliarity with citizenship laws of the Philippines and Indonesia, as well as limited access to information about their rights, most of these PIDs are exposed to the risk of statelessness.”

Last month, the [Expert Workshop on the best practises to promote women’s equal nationality rights in law and in practice took](#) place in Geneva. This efforts falls under the mandate of Human Rights Council [resolution 32/7](#) on the right to a nationality. The purpose of the workshop was to discuss efforts towards ending gender discrimination in nationality laws and ensuring every woman has equal rights to men in relation to nationality. The Institute on Statelessness and Inclusion attended the workshop and was pleased to note a strong understanding by states of the link between gender discriminatory nationality laws and statelessness.

[Sierra Leone will develop National Action Plan to End Statelessness](#): Over 50 participants concluded a three-day workshop to develop a National Action Plan to End Statelessness in Sierra Leone. Ann-Marie Sidique, the Government Focal Point on statelessness in the Ministry of Internal Affairs, stated that the current nationality law is weak, old and discriminatory. Participants from the Social Welfare, Health, and Civil Registration Authority also made meaningful contributions, calling for increased engagement with ministries, department and agencies and the need for government to work towards meeting the #ibelong campaign’s 2024 date for eradicating statelessness.

[Bakassi natives appeal to the international community, claiming risk of statelessness](#): Natives of Bakassi Peninsula have appealed to the international community for assistance, to be integrated into either Nigeria or Cameroon; in 2002, the International Court of Justice (ICJ) decided that the Bakassi peninsula belongs to Cameroon. Now the Bakassi people claim they have become stateless as the Francophone country does not recognise them, and treats them as foreigners. Speaking at a joint forum on ending statelessness organized by UNHCR and ECOWAS in Abuja, UNHCR Deputy Representative for Protection, Brigitte Mukanga-Eno recalled how the 2002 judgment of the International Court of Justice ICJ caused a displacement in the Bakassi Peninsula. Residents who opted for Nigerian nationality are currently considered to be internally displaced, while those who decided to stay back in their ancestral land are now stateless.

Politicians speak out against statelessness. The Speaker of the **Ugandan** Parliament [Rebecca Kadaga](#) has urged Heads of States in the Great Lakes region to assist children to acquire a nationality when they face problems as a result of their birth during war. Kdaga says that given the armed conflicts within the region, many children are produced in foreign countries and are abandoned without nationality. In the **Bahamas**, [Minister of Youth, Sports and Culture Michael Pintard](#) made a plea in the House of Assembly and urged his parliamentary colleagues to recognize the importance of reaching out to marginalized and disenfranchised young persons in the country. He stated that “For if there is a segment of our society that is locked out from the mainstream, then all of our lives are diminished in some way and for those whose status has not been addressed due to the nationality of their parents we must solve this problem.”

[Children born under Daesh rule in Iraq at risk of statelessness](#): Parents in Iraq's Mosul city are concerned about the future of their children, who were born in Daesh occupied territory. Even though births were registered by Daesh officials, the Iraqi authorities have not recognised these births (yet) and while Iraqi authorities are willing to register these children, corruption makes the process complicated. According to the Quilliam Foundation, at least 30,000 children who were born in Iraq during the Daesh occupation are now stateless.

[Inter-American Commission on Human Rights Welcomes Willingness of Dominican Republic to Comply with Recommendations](#): The IACHR has welcomed the Dominican Republic’s (DR) willingness to address the nationality-related issues which hinder the full enjoyment of human rights, especially in relation to discrimination towards persons of Haitian descent, a situation which has resulted in the statelessness of approximately 100,000 people. During the General Assembly of the Organization of American States (OAS), the IACHR held a bilateral meeting with a delegation of the DR during which representatives of the State agreed on a working visit by the IACHR to the Dominican Republic, which is expected to foster a fruitful dialogue and the possibility of establishing a plan to comply with the recommendations from the IACHR’s [report](#) on the situation of human rights in the DR.

Announcements and events

[Newly established Peter McMullin Centre on Statelessness at Melbourne University](#): A legal research centre has been established by Melbourne Law School, thanks to the generous donation of a former student which will allow the centre to run for the next 10 years. The centre will be led by Professor Michelle Foster, who is an expert in human rights law, refugee law, and statelessness. The Peter McMullin Centre on Statelessness will work with governments, the not-for-profit sector, and the United Nations to develop solutions to statelessness, focusing especially on the Asia-Pacific region. Its work will focus primarily on research, teaching and training, supporting public policy, raising public awareness, and law reform.

[Public talk: statelessness as Displacement in Situ](#): In this event experts, including ISI's co-director Amal de Chickera, will discuss statelessness as a displacement issue, and will explore what this means for the way we understand displacement, expulsion, and exclusion from States and international systems. This will be the second of a series of public talks organised by The Open University, which explore how we think about migration. The event takes place on July 12, from 6pm–8pm in London. Registration is required and possible until the day of the event.

[Book launch: Understanding Statelessness](#): On 9 August the publication 'Understanding Statelessness', edited by Tendayi Bloom, Katie Tonkiss and Phillip Cole will be launched in London. The publication is a comprehensive and in-depth examination of statelessness, exploring the theoretical, legal and political concept of statelessness.

[Call for papers: The HRLA Young Lawyers' Committee 3rd Annual Human Rights Journal](#). The HRLA Young Lawyers' Committee is looking for submissions for the third volume of its journal, the Young Human Rights Lawyer. Submissions are sought from students (at whatever stage of their studies), pupil barristers, and trainee solicitors. Submissions can be academic articles on a human rights topic (1,500 words maximum) or a shorter opinion piece or case commentary (750-1,000 words). For more info see the [website](#). **Deadline for submissions is 14 July 2017.**

[Call for applications for Global Practitioner in Residence program at Stanford Law School](#): The program awards one leading practitioner in the field of human rights, rule of law or law and development the opportunity to spend one academic quarter at Stanford Law School as a practitioner-in-residence. The program will cover travel and living costs and a modest stipend. **Application deadline is August 11, 2017.**

[International Metropolis Conference 2017](#): The theme of this year's conference in the Hague is Migration and Global Justice, Registration deadline is **July 31, 2017.**

What's new: Publications, tools, and resources

[Understanding Statelessness](#): New book on statelessness, edited by Tendayi Bloom, Katherine Tonkiss, and Phillip Cole. This book offers a comprehensive and in-depth examination of statelessness, exploring the theoretical, legal and political concept of statelessness. The volume is divided into three parts, 'Defining Statelessness', 'Living Statelessness', and 'Theorising Statelessness'. The [launch event](#) will take place on the 9th of August, in London.

[Children of rape of refugee women, and statelessness, in Egypt](#): In this article by Mohamed Farahat, published by the Forced Migration Review, it is argued that facilitating birth registration procedures for children born from rape—particularly children of refugee and displaced women—is necessary in order to prevent statelessness.

[Joint NGO statement on detention of migrants in Europe](#): 53 NGOs issued a joint statement to express collective concern that, regarding immigration detention of migrants in Europe. In advance of a consultation with key civil society stakeholders from 22-23 June 2017 at the Council of Europe Headquarters in Strasbourg, the NGOs drafted the statement which will be presented to the European Committee on Legal Co-operation (CDCJ) who is carrying out a codifying exercise on a detailed set of immigration detention rules based on existing international and regional human rights standards relating to the conditions of detention of migrants.

[Exiled To Nowhere—Burma's Rohingya](#): New video by award-winning photographer Greg Constantine. Last November, he was banned by the Myanmar government from entering the country in order to attend his exhibition 'Nowhere People' in Yangon. This month, to coincide with World Refugee Day, Constantine released a seven-minute video titled "Exiled To Nowhere—Burma's Rohingya", which includes footage from his 12 visits to Rohingya

communities in Bangladesh and Myanmar. You can watch the video on Vimeo [here](#). [Myanmar has also announced it will refuse entry and will not cooperate with a UN team of experts](#) set up to examine gross human rights violations against the Rohingya. "If they are going to send someone with regards to the fact-finding mission, then there's no reason for us to let them come," said Kyaw Zeya, permanent secretary at the Ministry of Foreign Affairs in the capital, Naypyitaw.

[Nationality as an Element of the Refugee Definition and the Unsettled Issues of 'Inchoate Nationality' and 'Effective Nationality'](#): Hugo Storey wrote this article, published by RefLaw. As the first of a two-part article, which explores the concepts of 'inchoate nationality' and 'effective nationality' in the context of determination of nationality as an element of the definition of 'refugee'.

[Red ANA presents its report of activities and operations in 2016](#): Red ANA, the Americas Network on Statelessness, has released its Annual Report for 2016. The report contains information on their strategic meetings, public events, webinars, monthly bulletins, website, and participation in other events.

[Counting the uncouncted: 1.1 billion people without IDs](#): World Bank blog that explores the challenges of obtaining legal IDs worldwide, and the importance of legal IDs in the sustainable development agenda.

[Podcast WorldLink Statelessness special](#): This Deutsche Welle podcast centres around an interview a photographer who has spent a decade trying to document statelessness, and a Kashmiri man living in legal limbo in Europe.

[Bradford-based Theatre Company takes to the stage during Refugee Week](#): A Bradford-based Theatre Company—Displace yourself Theatre—performed a play about statelessness in the UK from June 19-25 for Refugee Week. The play is titled 'Free to Stay', and is about "belonging and an exploration of life without nationality". The play was inspired by research with stateless persons both in the UK and abroad. Co-artistic directors Jennifer Nevin and Mike Auger spent six months in the Thailand-Myanmar border with stateless communities. Producer Ben Rothera stated that they hope to take the play to the Theatre in the Mill in Bradford as part of a tour in September and October.

A day in the life of...

Alice Eckstein

Executive Director, [Center for Global Affairs](#), NYU School of Professional Studies

Can you give us a short description of the statelessness-related work you do and how you got involved in it?

I knew almost nothing about the issue of statelessness until I encountered ISI. Back in fall 2015, Laura van Waas and Amal de Chickera spoke at NYU about their work – I learned of the event through an alumna of our program who works on the Global Campaign for Equal Nationality Rights here in New York City. I found myself deeply invested in this issue and wondered how our Center for Global Affairs (CGA) could become involved. Our program offers a Master of Science degree, and students concentrate in issues ranging from human rights and international law, to development, to transnational security, and others. It seemed to me that we could make a meaningful contribution to the work ISI and others are doing. I manage CGA's public programs and external outreach, so I created a panel the following spring on statelessness viewed through the lens of the ongoing refugee crisis in the Middle East. We offered this panel in partnership with the NYU Law School's Center for Human Rights and Global Justice and drew an audience of around 100 members of our academic community as well as the general public.



The Center for Global Affairs hosted a dedicated programme on statelessness for academics from 5-9 June 2017, convened by the Institute on Statelessness and Inclusion with Open Society Justice Initiative. Could you briefly describe what this entailed and why you felt it was important for your Center to be involved?

This was such a satisfying project for me! Through ISI's and OSJI's networks, 12 early career academics from around the world had the opportunity to work together as well as engage with legal and academic experts on their research.

CGA was able to provide space for this program, and several members of our faculty and staff working on related topics joined in for the sessions. I was thrilled to be able to support ISI and OSJI's work by hosting. My mandate at CGA is to bring together communities of practitioners and educators who are dedicated to identifying and forming solutions to our most pressing global challenges; this program was the perfect opportunity to do exactly that.

Where do you see opportunities for academia to engage more actively on the issue of statelessness? What role do you see for events such as the recent New York programme in that regard?

I think the academic community could engage more actively with the general public on the issue of statelessness – there is such a huge knowledge gap on what statelessness is, whom is most affected by it, and what the long-term impacts of statelessness are on both individuals and communities. So many stateless persons live invisible – and vulnerable – lives. If the public were more broadly aware of what statelessness really means, I think we'd have more political will to end it. It also seems to me that this is an issue that would benefit from a really interdisciplinary approach: while human rights and legal frameworks are logical avenues to understand and examine statelessness, we also need to engage young academics and practitioners in other academic disciplines and professions. What I found quite promising in our recent program here was that there was so much interest in connecting with media, the arts, the broader field of social science, and other organizations. There is so much promise to be found in building a coalition to address this problem.

What makes statelessness an interesting or important topic for students to get involved with? What do you hope for the students of your own programme?

Statelessness in particular is a fascinating area for us because CGA offers such a rich variety of academic concentrations through which our students can approach the topic. A student in our Transnational Security concentration might examine cases in which states deprive individuals suspected of terrorist engagement of their citizenship. Our Global Gender Studies concentration offers rich insight into gender discrimination in nationality laws, as well as the specific vulnerabilities of women and girls who lack citizenship. One of our students focusing on Development and Humanitarian Assistance might look at the economic impacts in emerging economies of denying large numbers of stateless people the opportunity to pursue an education or formal employment. And that is just a start! I would love to see a group of students embarking on a group thesis or practitioner-focused capstone project that highlights some previously-ignored element of the impacts of statelessness in global affairs, or offers a solution to help end statelessness.

What do you find are the biggest challenges you face in your work? And what do you enjoy most?

To be honest, I find the staggering array of global issues to be covered to be the most difficult part of my work. There are so many threats to global peace and security, so many challenges to human rights, and an exhausting number of moral outrages to be found in the pages of any daily newspaper we pick up. How do I decide what to cover in our public programs as well as in our Center's other partnerships? I'm quite fortunate, however – my colleagues are equally passionate about our mission and bring their own areas of expertise into our conversations. Our students' energy and commitment to finding solutions to all these issues is also an inspiration. It is tremendously rewarding to be able to produce an event that engages members of the public and gives them new perspectives on these seemingly intractable global crises.

What advice would you give to someone who wants to get involved in / others working on statelessness?

Everyone has to find their own point of entry into statelessness work – you don't have to be a researcher, a legal advocate, or a professor. There is still so much to be done even just to raise awareness of the issue, and there is room for engagement across many different academic and professional fields. I'd say that probably the best thing someone could do is to build as wide a network as possible – we need these broad collaborations in order to form durable solutions to statelessness in this generation.

Contribute to the Statelessness Monthly Bulletin via
news@InstituteSI.org or visit www.InstituteSI.org