

Impact case study (REF3b)

Institution: Middlesex University
Unit of Assessment: UoA 22
Title of case study: Statelessness and Citizenship
<p>1. Summary of the impact: Impact generating research was produced by staff associated with the International Observatory on Statelessness (IOS): Brad Blitz, Rajith Lakshman; and Greg Constantine, a current Ph.D. student. The Observatory, previously at Kingston University, moved to Middlesex University in 2013. The impact stems from engagement with national governments, UN and public bodies regarding the development of humanitarian policy and protection of about 12 million stateless people world wide (UNHCR estimates). Evidence of impact includes statements by US Secretary of State Hillary Clinton and her deputy; their drafting of a UN Human Rights Council Resolution; changes to UK immigration rules; statements by UNHCR's High Representative; US Supreme Court decision <i>Ruben Flores-Villar vs. United States of America (0905801)</i>; and public awareness through award-winning photographic exhibitions, short films and books. Beneficiaries are potentially stateless people across the globe.</p> <p>2. Underpinning research: The research, on how the denial and deprivation of citizenship undermines people's human rights and opportunities for development, fills a gap in knowledge of the nature of statelessness which existed from 1951 when Hannah Arendt introduced the issue. It builds on Blitz's (2006), 'Statelessness and the Social (De)Construction of Citizenship', <i>Journal of Human Rights</i>, 5/4, 453 – 479. The underpinning research includes empirical studies and academic publications, policy reports, visual documentation and exhibitions.</p> <p><u>Empirical studies and academic publications:</u> The first research project, 'Statelessness, Racism and Civic Exclusion: a Study of four European Countries' (2006-08), resulted in a book, <i>Statelessness in the European Union</i> published by Cambridge University Press which records the results of 100 interviews with both de jure and de facto stateless people in the UK, France, Estonia and Slovenia. The findings record how the denial of status may lead to the deprivation of the rights to privacy and family life, in contravention of the European Convention on Human Rights Article 8.</p> <p>The second project (2008-09) sought to examine UNHCR's claim that a number of countries had corrected their nationality laws and thus put an end to statelessness. Over 120 interviews were conducted with formerly stateless people in Bangladesh, Estonia, the Gulf states, Kenya, Mauritania, Slovenia, Sri Lanka and Ukraine. The research was published in Blitz's 2011 book, <i>Statelessness and Citizenship</i> (with Maureen Lynch and illustrated by Constantine) in which the contributors identified some of the benefits that citizenship had brought and also triggers for further reform of discriminatory practices. Specifically, they found that:</p> <ul style="list-style-type: none"> i) Demographics matter: where there were a large number of stateless people relative to the overall population, as in Kenya, there was clear political interest in regularizing their status; ii) Populations with a recognized ethno-national identity are more easily integrated: a shared understanding of historical relationship of the state concerned to the respective populations appears to determine the degree/manner in which they have been integrated post-statelessness; iii) The ending of direct discrimination on the basis of nationality does not undo structural effects or other modes of discrimination. <p>The third project, 'Measuring the Costs of Statelessness: A Livelihoods Analysis in Four Countries', funded by the United States Department of State, Bureau of Population, Refugees and Migration [US\$180,000], (July 2010 – August 2011), was led by Blitz and followed from his 2011 book. The final report applied innovative methodological approaches from Lakshman's previous quantitative studies of displaced livelihoods. The team surveyed 980 households and conducted 60 interviews with formerly stateless and natural born citizens to quantify how the denial and deprivation of citizenship undermines people's rights and livelihood options in Bangladesh, Kenya, Sri Lanka, and Slovenia. The originality and impact of the research is derived from the findings that:</p> <ul style="list-style-type: none"> i) Statelessness lowers a household's per capita income by 34 per cent. ii) Statelessness has a negative impact on the acquisition of human capital. The mean level

of education of stateless groups was six years lower than that achieved by citizens in Bangladesh (grade 9); three years lower than that of the citizens (grade 10) in Kenya; 2 years lower than that of the citizens in Slovenia; one year lower than that of the citizens (grade 7) in Sri Lanka.

- iii) Statelessness has a negative impact on the ability to acquire assets - stateless households spent 34 per cent less than citizen households.
- iv) Statelessness reduces the odds of owning a home by almost 60 per cent.

Visual documentation and public exhibitions

Constantine’s photojournalism research features in a global project ‘Nowhere People’ which takes the form of black and white photographic exhibitions, essays, short films, and books. This work documents the lives of stateless people in Bangladesh; Cote d’Ivoire; Dominican Republic; the Bidun of the Gulf States; formerly deported Soviets in Kazakhstan; the Nubians in Kenya; migrant children in Malaysia; the Rohingya in Myanmar; Dalits in Nepal; Plantation Tamils in Sri Lanka; and Crimean Tatar returnees in Ukraine.

3. References to the research: The following publications are all of internationally recognised quality or better and were subject to peer review; the research informing these studies was the result of competitive research grants and favourable reviews from authorities in the field.

1. Blitz, Brad K. and Lynch, M. (eds.) *Statelessness and Citizenship: A Comparative Study on the Benefits of Nationality*, Edward Elgar Publishing, (2011; 244 pages; ISBN 978 1 84980 067 9). This book resulted from a competitive award given by the Swiss Ministry of Foreign Affairs ‘Statelessness and the Benefits of Citizenship – A Comparative Study of Eight Countries’ [CHF 23,000] October 2008 – September 2009. The project had been commended by Mary Robinson and Sérgio Pinheiro to commemorate 60th Anniversary of the Declaration of Human Rights.

2. Blitz, Brad K. *Statelessness in the European Union: Displaced, Undocumented and Unwanted*, Cambridge University Press, (2011; 334 pages ISBN 9780521191937) (with Caroline Sawyer). The research contained in this book derived from a competitive grant funded by the Rothschild Foundation Europe and Ford Foundation, ‘Statelessness, Racism and Civic Exclusion: a Study of four European Countries’ [£65,559], August 2006 – July 2008.

3. Blitz, Brad K, ‘Stateless by Any Other Name: Unsuccessful Asylum Seekers in The United Kingdom’, *Journal of Ethnic and Migration Studies* (First author with Miguel Otero-Iglesias) 37/4, (2011), pp. 657- 673.

4. Blitz, Brad K. ‘Neither Seen Nor Heard: Compound Deprivation Among Stateless Children’, in Jacqueline Bhahba (ed.), *Children Without a State: The Scope of Child Statelessness in the 21st Century*, MIT Press, 2011, pp. 43-66.

5. Blitz, Brad K. ‘Statelessness, Protection and Equality’, UK DFID and University of Oxford Refugee Studies Centre Policy Brief, September, 2009, pp. 62. Available at: <http://www.rsc.ox.ac.uk/PDFs/RSCPB3-Statelessness.pdf>.

The following output was supported by a competitive grant from the Pulitzer Center on Crisis Reporting (Project – Statelessness a Human Rights Crisis).

6. Greg Constantine, (2013), *In Search of Home*, Available at: <http://pulitzercenter.org/blog/in-search-of-home-ibook-itunes-statelessness-human-rights>

4. Details of the impact: Numerous impacts resulted from the research including: impact on US humanitarian policy in relation to gender; impact on development of law and on US Supreme Court decisions; and impact on UK immigration policy. Impact may be identified in the development of official policy; case law; and the creation of rules and regulations; impact on UNHCR, public policy and public debate.

Impact on humanitarian policy and gender: The findings were cited by the US Assistant Secretary of State for Global Affairs and the recommendations regarding gender and nationality

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discrimination informed US government pledges to the United Nations High Commissioner for Refugees (UNHCR). The report was presented to staff in the US Department of State, Bureau for Population, Refugees and Migration (PRM) in September 2011. On 25 October 2011, the Under Secretary of State for Global Affairs, Maria Otero quoted from the report at length, during a talk to the US Institute of Peace in Washington, D.C. Otero identifies Kingston University and by extension Blitz and the IOS team.

There is little research on the issue of statelessness, and even less on gender discrimination in nationality laws. To try to understand the impact of statelessness better, the State Department's Bureau of Population, Refugees, and Migration recently funded a study by Kingston University to examine the costs of statelessness. Among its most striking findings, the study proved that statelessness reduces household income by a third, and reduces the odds of owning one's home by nearly 60 percent. The average education of stateless households is lower than that of citizens by at least one year and in some cases as many as six years. The study also demonstrated disadvantages for stateless persons in terms of health status, and access to justice and law enforcement.

Otero then records that Secretary Clinton has identified women's nationality rights as an important area of work for the State Department and sets out two objectives including '*the strength of our public diplomacy to increase global awareness of women's nationality rights*', as recommended in the above report. [See: (1) <http://www.state.gov/j/176132.htm>]

On 7 December, Secretary of State Hillary Clinton then declares: '*The United States has launched an initiative to build global awareness about these issues and support efforts to end or amend such discriminatory laws. We want to work to persuade governments – not only officials but members of parliament – to change nationality laws that carry this discrimination to ensure universal birth registration and establish procedures and systems to facilitate the acquisition of citizenship for stateless people.*' [See (2): <http://www.state.gov/secretary/rm/2011/12/178406.htm>]

Clinton says the US government pledges to: '*Focus U.S. diplomacy on preventing and resolving statelessness among women and children, including efforts to raise global awareness about discrimination against women in nationality laws and to mobilize governments to repeal nationality laws that discriminate against women.*' [See (3): *Pledges 2011 – Ministerial Intergovernmental Event on Refugees and Stateless Persons* <http://www.unhcr.org/4ff55a319.html>]

On 8 March 2012, Clinton launches the *Women's Nationality Initiative*, a diplomatic measure to increase awareness of discrimination against women in nationality laws and to work with foreign governments to repeal or amend their discriminatory nationality legislation [See (4): *Women's Nationality Initiative* <http://www.state.gov/j/prm/releases/releases/2012/185416.htm>]

On 5 July 2012, the US government authors a UN resolution on stateless women and children which is presented before the UN Human Rights Council and successfully passed with support from 48 other countries. (*U.S. Introduces Human Rights Council Resolution on The Right to a Nationality* <http://tinyurl.com/orlgk75>; (5.5) *UN Human Rights Council, The right to a nationality: women and children, 16 July 2012, A/HRC/RES/20/4, http://www.refworld.org/docid/503dd5422.html*)

On 28 February 2013, Nicole Shepardson, Senior Policy Officer, further cites reliance of PRM on the work by the IOS team (5.6). ('*Government Responses to Statelessness – Remarks Bureau of Population, Refugees, and Migration, 28 February 2013* <http://www.state.gov/j/prm/releases/remarks/2013/207642.htm>)

Impact on development of law: In addition, the 2009 and 2011 publications by Blitz are cited in the UNHCR and Asylum Aid project, 'Mapping Statelessness in the United Kingdom' which prompted the UK Home Office to change its immigration rules on 6 April 2013 by introducing determination procedures to protect the 250-300 stateless people in the UK (5.7). (<http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2013/april/10-rules-april>)

Impact on Supreme Court decisions: Blitz's 2009 study, 'Statelessness, Protection and Equality', is cited in the US Supreme Court case of *Ruben Flores-Villar vs United States of America* (0905801), an important case regarding the rights for children born out of wedlock to acquire US nationality. The defendant's legal team relied on Blitz's research to clarify nationality rights under US federal law, arguing that the state's authority to determine rights to nationality must be reconciled with principles of equality between the sexes. Blitz's work is recognised in the final ruling where the Supreme Court rejects by 4-4, (Justice Kagan recused) the argument that a federal law which establishes different standards for children born out of wedlock outside of the United States to obtain U.S. citizenship, depending on whether the child's mother or father was a U.S. citizen, is unconstitutional (5.8): <http://tinyurl.com/o3ce66n>].

Impact on immigration policy: In spite of the negative outcome of Ruben Flores-Villar, the decision is included in guidance published by the Immigrant Legal Resource Center to advise applications for immigration – thus impacting on hundreds of thousands of immigrants, community organizations, and experts working in the legal sector. (See (5.9): http://www.ilrc.org/files/documents/ilrc-natz_cit_chart_b_0.pdf)

Impact on UNHCR, public policy and public debate: Constantine's *Nowhere People* project was supported by UNHCR and exhibited in Geneva, Hong Kong, London, Nairobi, New York, Washington, DC. The resulting publications received multiple awards including: National Press Photographer's Association Best Photojournalism Award 2013; Pulitzer Center for Crisis Reporting, 2012 (5.10); Human Rights Press Award Hong Kong, 2011 (Merit); Amnesty International Media Awards (finalist) (2010) (<http://pulitzercenter.org/blog/ebooks-stateless-refugees-ibook-author-apple-award-burma>). Constantine's *Exiled to Nowhere: Burma's Rohingya* won the Days Japan International Photojournalism Special Jury Prize (<http://www.daysjapan.net/e/award2011/index.html>) and was voted Independent on Sunday Book of the Year 2012 (photography) (<http://tinyurl.com/aouav8c>). These award winning outputs led to extensive coverage and policy and public debate on statelessness.

5. Sources to corroborate the impact (indicative maximum of 10 references)

- 1) Remarks on Statelessness and Gender Discrimination Under Secretary for Democracy and Global Affairs Refugees International Event, U.S. Institute of Peace, Washington, DC, October 25, 2011 <http://www.state.gov/g/176132.htm>
- 2) Secretary Hilary Clinton's Remarks at the United Nations High Commissioner for Refugees Ministerial on the 60th Anniversary of the Refugee Convention <http://www.state.gov/secretary/rm/2011/12/178406.htm>
- 3) Pledges 2011 – Ministerial Intergovernmental Event on Refugees and Stateless Persons <http://www.unhcr.org/4ff55a319.html>
- 4) US Women's Nationality Initiative 8 March 2012 <http://www.state.gov/j/prm/releases/releases/2012/185416.htm>
- 5) UN resolution on stateless women and children is passed 5 July 2012. See: *UN Human Rights Council, The right to a nationality: women and children, 16 July 2012, A/HRC/RES/20/4*. <http://www.refworld.org/docid/503dd5422.html>
- 6) 'Government Responses to Statelessness – Remarks Bureau of Population, Refugees, and Migration, Senior Policy Officer, Washington, D.C., 28 February 2013). <http://www.state.gov/j/prm/releases/remarks/2013/207642.htm>
- 7) UK Border Agency changes Immigration Rules to protect stateless people in UK <http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2013/april/10-rules-april>
- 8) US Supreme Court Case - *Ruben Flores Villar vs United States of America* (0905801) <http://tinyurl.com/o3ce66n>
- 9) Immigrant Legal Resource Center guidance http://www.ilrc.org/files/documents/ilrc-natz_cit_chart_b_0.pdf
- 10) Pulitzer Center - In search of Home receives Honourable Mention in 2013 NPPA Awards <http://pulitzercenter.org/blog/ebooks-stateless-refugees-ibook-author-apple-award-burma>