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Newsletter | December 2020

Welcome to the Peter McMullin Centre's final newsletter for 2020. We are pleased to once again share with you our current activities, publications, engagements and opportunities.

We would like to take this opportunity to thank our collaborators and colleagues who assisted in keeping the Centre's program so full and interesting throughout the year, adapting to a new way of working, and making the most of the opportunities offered by the online environment. We also would like to thank all of those who showed an interest in our seminars, research and projects during what has been a challenging year for many.

We are looking forward to a less stressful 2021, and are thrilled to be starting the year with our online Statelessness Intensive Course in February.

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Centre staff win prestigious Australian Research Council grant

Centre Director Michelle Foster and Centre Senior Research Fellow Christoph Sperfeldt have been awarded an Australian Research Council (ARC) Discovery project grant. The three-year “*Understanding Statelessness in Australian Law and Practice*” project aims to undertake the first comprehensive study of stateless persons in Australia. It has potential to generate groundbreaking insights into Australia’s role historically in protecting stateless persons, and to identify the protection needs of stateless persons in Australia today. Expected outcomes include an empirically-grounded statelessness mapping and a comprehensive analysis of statelessness in Australian law. The project will improve the quality of Australian public policy and administrative decision-making, and position Australia as a core node of expertise on an important issue that has implications for the rule of law, security and social cohesion in our region. This ARC Discovery project will also build upon and expand the Centre’s strong partnership networks in Australia.



Citizenship and Statelessness in India

India is in the midst of a crisis around [citizenship and statelessness](#). Drawing on partnerships developed through the [Statelessness Hallmark Research Initiative](#), the Centre has built networks with Indian universities and international scholars to support engagement regarding this crisis. Together with other MLS faculty members, as well as

colleagues at Jindal Global Law School and the Bonavero Institute of Human Rights at Oxford University, the Centre has established a collaborative initiative on '[Citizenship and Statelessness in India](#)'. Since 7 October 2020, the partners have hosted six virtual weekly roundtables with dozens of participating Indian and international scholars. Further roundtables are scheduled before the end of the year. The outcomes will inform ongoing litigation before Indian courts and be published in academic journals. [Read more](#).



Featured Seed Funding Project –
Legal identity formation in the context of hybrid political orders

Supported by the [Statelessness Hallmark Research Initiative](#) Seed Funding Scheme, this project explores how legal identities are formed, and how citizenship is operationalised, in contexts of hybridity. The project team is a multi-disciplinary one and consists of [Cheryl Saunders](#) (Melbourne Law School, University of Melbourne), [Anne Carter](#) (Faculty of Business and Law, Deakin University), [Patrick Emerton](#) (Faculty of Law, Monash University), [Zim Nwokora](#) (Political Science, Deakin University) and [Jayani Nadarajalingam](#) (Melbourne School of Government, University of Melbourne).

“Hybridity”, in the sense used by this project, refers to contexts in which the state is not the only actor in the performance of governance functions but instead is one among other actors including, for instance, clans, extended families and village communities. Many parts of the Pacific are hybrid in this sense and it is arguable that many parts of the Global South, more generally, are hybrid in this sense also. Further, it is possible that even countries with strong states – such as Australia and New Zealand – contain what may be best described or characterized as hybrid dimensions. Whilst it is widely acknowledged that legal identity formation in contexts of hybridity is, in many important respects, different from legal identity formation in contexts where the modern state is the main actor, it is a topic that remains largely under-explored. One of the central aims of this project, therefore, is to explore this question in depth and from various inter-disciplinary perspectives.

In October-November 2020, the project team ran a successful virtual reading group on hybridity which focused on the following four topics: (i) hybridity understood, in part, as a response to the analysis of state-society relations put forward in Joel Migdal’s classic *Strong Societies and Weak States*; (ii) the relationship between hybridity, legal pluralism and legal transplant; (iii) what it means to classify or characterize a society as meaningfully hybrid; and (iv) the relevance and usefulness of hybridity with a particular focus on its strengths and limits. The reading group sets the scene nicely for two workshops which will

be held in 2021, with the first of these – a work-in-progress academic workshop on hybridity and legal identity formation - scheduled in February. Two leading academics on hybridity, [Kevin Clements](#) and [Volker Boege](#), will begin the workshop with a joint keynote. This will then be followed by papers from [Anna Dziedzic](#), [Sarah Phillips](#), [Elisa Arcioni](#), [Sam Balaton-Chrimes](#) and [Ihsan Yilmaz](#).

For more information, please contact Jayani Nadarajalingam at jayani.nadarajalingam@unimelb.edu.au



UN Photo/Jean-Marc Ferré

Universal Periodic Review Update

Australia's human rights record is being examined at the UN Human Rights Council in January 2021 as part of the Universal Periodic Review (UPR) Process. The McMullin Centre was proud to lead a joint submission to this process with our partners The Institute of Statelessness and Inclusion, the Refugee Advice Casework Service and the Statelessness Network Asia Pacific highlighting human rights challenges pertaining to statelessness in Australia.

The submission raised four key areas of concern, including –

- Australia's **lack of a statelessness determination procedure or specific visa category** for stateless persons, leaving stateless people in Australia in a state of limbo;
- That stateless persons in Australia face a real risk of **mandatory, prolonged and indefinite detention**;
- That Australia's existing **citizenship deprivation powers** risk rendering persons stateless; and
- That stateless persons face a disproportionate risk as a result of the **COVID-19 pandemic**.

On 3 December Centre Director Professor Michelle Foster had the opportunity to explain the key concerns outlined in our submission pertaining to citizenship deprivation in Australia at an international briefing session attended by members of the diplomatic

community, civil society and embassies.

You can find out more information regarding the UPR process and our submission in our [Factsheet: The United Nations' Universal Periodic Review and Summary of the UPR Joint Submission](#), or read our full submission [here](#).

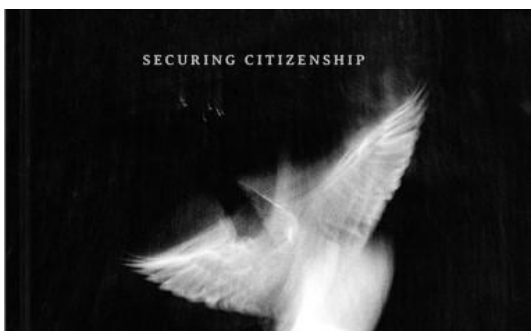


The Critical Statelessness Studies Blog

In the latest contribution to the Critical Statelessness Studies Blog, [Christiana Bukalo](#), founder of State Free, reflects on her experiences researching statelessness as a stateless person.

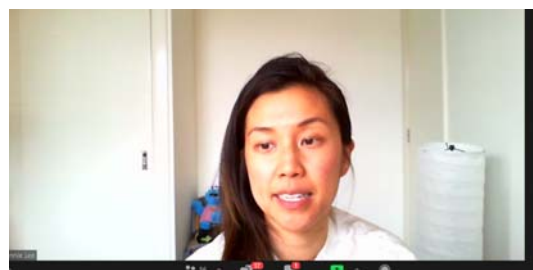
Last month on the blog, [Victoria Reitter](#)'s piece critiqued the heavy reliance on quantitative data in the statelessness field and sought to expand the lens through an ethnographic approach.

[Read the pieces and learn more about making a contribution to the CSS Blog.](#)



Securing Citizenship report

The [Centre for Public Interest Law \(CPIL\)](#) at Jindal Global Law School has recently released a report, *Securing Citizenship: India's legal obligations towards precarious citizens and stateless persons*.



Migration, Refugees & Statelessness Seminar Series: Dr Rennie Lee

On 16 October, Rennie Lee, Assistant Professor in Global and Sociocultural Studies at Florida International University, presented a webinar titled **Understanding Immigrants' Diverse Employment**

Drawing from both Indian and international law, the report argues that the Indian state is legally bound to prevent and reduce statelessness. India must affirm the citizenship of precarious citizens in Assam being subjected to arbitrary citizenship deprivation procedures. It also argues that India cannot detain precarious citizens and stateless persons, and must ensure the full gamut of socio-economic rights is available to stateless persons in the Indian territory. Centre Director, Michelle Foster, wrote in an endorsement:

This is a thoroughly researched, comprehensive and insightful study of the law and policy on statelessness in India today. An extremely timely intervention, the report makes a series of important recommendations and is a must-read for students, academics, activists, lawyers, policymakers, and legislators, and all those concerned with citizenship and statelessness issues in India.

The Securing Citizenship report can be accessed [here](#).



Statelessness & Citizenship Review

The submission deadline for Volume 3 Issue 1 of the Statelessness and Citizenship Review is 31 January 2021. In addition to general submissions, Volume 3(1) will feature a symposium on 'Citizenship and Statelessness in India'. The special guest editor of the symposium is Dr Adil Hasan Khan, Melbourne Law School. Please direct any queries about the symposium to Dr Khan at khan.a@unimelb.edu.au. Submissions for the symposium follow the usual

Trajectories: The Role of Immigration Policy and Gender. Focusing on empirical results from the United States and Australia, Dr Lee discussed the enduring effects of immigration policy, specifically visa categories, on immigrants' labor market participation and employment behaviour and how these effects differ for immigrant men and women. Our thanks to Rennie and to all of those who attended this fantastic presentation.

The Centre would like to thank the [Melbourne Social Equity Institute](#) for partnering with us on the 2020 seminar series.



Webinar - Understanding Statelessness in North Africa

On 10 December, the MENA Statelessness Network (Hawaii) is hosting a webinar (in Arabic) on the topic of 'Understanding Statelessness in North Africa'. The webinar will be hosted by McMullin Centre graduate researcher Thomas McGee and will begin at 3pm Cairo-time. Watch via live broadcast on the [Youtube Channel](#).

Recent Publications by the PMCS Team

- **Thomas McGee**, '[Recognising Stateless Refugees](#)', Forced Migration Review (2020) Issue 65, 45-47.
- **Thomas McGee** 'Book Review: Offshore Citizens: Permanent

submission process. Visit the [website](#) for more information.

Temporary Status in the Gulf by Noora Lori', *Statelessness and Citizenship Review* (2020) 2(2), forthcoming.

New Academic Publications

If you've recently published work and would like it promoted in the newsletter, please contact [Thomas McGee](#) and [Deirdre Brennan](#).

- [Abu Sulaib, Faisal Mukhyat. "Stateless 'bidoon' in Kuwait: a crisis of political alienation." *Middle Eastern Studies* \(2020\): 1-17.](#)
- [Abu-Laban Y., Nath N. Citizenship, Multiculturalism, and Immigration: Mapping the Complexities of Inclusion and Exclusion Through Intersectionality. In: Tremblay M., Everitt J. \(eds\) *The Palgrave Handbook of Gender, Sexuality, and Canadian Politics*. Palgrave Macmillan, Cham. \(2020\)](#)
- [Aşkin, Deniz. "Stateless Syrians in Turkey and Lebanon." *Border Crossing* 10, no. 2 \(2020\): 227-243.](#)
- [Bell, Nathan, "Limitations of the right to have rights: The case of Denmark." *Journal of Refugee Studies*. \(2020\).](#)
- [Bhatia, Amiya, "Without an Aadhaar card nothing could be done': a mixed methods study of biometric identification and birth registration for children in Varanasi, India" *Information Technology for Development* \(2020\): 1-21](#)
- [Bolhuis, Maarten and van Wijk, Joris, "Citizenship Deprivation as a Counterterrorism Measure in Europe; Possible Follow-Up Scenarios, Human Rights Infringements and the Effect on Counterterrorism." *European Journal of Migration and Law*. 22, no. 3 \(2020\).](#)
- [Brett, Peggy, 'The Ambiguities of Citizenship Status in Myanmar' in Chambers, Justine, Charlotte Galloway and Jonathan Liljeblad \(eds\) *Living with Myanmar* \(ISEAS – Yusof Ishak Institute, 2020\)](#)
- [Budlakoti, Deepan. "Locked-up and in Limbo: Living Stateless in my Hometown Jail." *Journal of Prisoners on Prisons* 29, no. 1&2 \(2020\): 79-83.](#)
- [Duraisingam, Tamara Joan, T. S. Kuek, and Saratha Muniandy. "Statelessness as the conduit to rights for the stateless Indian community in Malaysia." in Kananatu, Thaatchayini, and Sharon GM Koh, eds. *Vulnerable Groups in Malaysia*. Vol. 1. Walter de Gruyter GmbH & Co KG, 2020.](#)
- [Džankić, Jelena and Soeren Keil, "Post-Partition Citizenship Policies: Lessons from Post-Yugoslav Federal States." *Publius: The Journal of Federalism* \(2020\).](#)
- [Gani, Noa, and Amal Jamal. "Half-Statelessness and Hannah Arendt's Citizenship Model: The Case of Palestinian Citizens of Israel." *Mediterranean Politics* \(2020\): 1-20.](#)

- [Groves, Zoë R. 'Citizenship and Belonging in Malawi and Zimbabwe.' in: *Malawian Migration to Zimbabwe, 1900–1965. Cambridge Imperial and Post-Colonial Studies.* Palgrave Macmillan, Cham. \(2020\)](#)
- [Haughton, Suzette A. "Borders and the Question of Citizenship: The Case of the Dominican Republic and Haiti." In Moïse M., Réno F. \(eds\) *Border Transgression and Reconfiguration of Caribbean Spaces*, pp. 97-114. Palgrave Macmillan, Cham. \(2020\).](#)
- [Herberholz, Chantal. "Protracted statelessness and nationalitylessness among the Lahu, Akha and Tai-Yai in Northern Thailand: Problem areas and the vital role of health insurance status." *Economics of Peace and Security Journal* 15, no. 2 \(2020\): 36-52.](#)
- [Ildphonce, Amani, "Protection of the rights of stateless persons in Zanzibar" \(Masters Dissertation, Mzumbe University, 2020\).](#)
- [Kalita, Hriday Ranjan, "Internally Displaced Women in Assam: A Gendered Insight." *Proteus*. 11, no. 10 \(2020\).](#)
- [Kannabiran, Kalpana. "The Shifting Sands of Citizenship: Dispossession, Constitutional Ruptures and Borderlands." *Sociological Bulletin* \(October 2020\).](#)
- [Kastrinou, A. Maria A., Salman Fakher El-Deen, and Steven B. Emery. "The Stateless \(Ad\) Vantage? Resistance, Land and Rootedness in the Israeli-Occupied Syrian Golan Heights." *Territory, Politics, Governance* \(2020\): 1-20.](#)
- [Kenny, Cóman, "Legislated Out of Existence: Mass Arbitrary Deprivation of Nationality Resulting in Statelessness as an International Crime." *International Criminal Law Review*, 20, no. 6 \(2020\).](#)
- [Khan, Kamran, "Raciolinguistic border-making and the elasticity of assessment and believability in the UK citizenship process." *Ethnicity* \(November 2020\).](#)
- [Khaskheli, Muhammad Bilawal, Ayalew Abate Bishaw, Jonathan Gesell Mapa, and Carlos Alves Gomes Dos Santos. "TOW Environmental Migrants in The International Refugee Law And Human Rights: An Assessment Of Protection Gaps And Migrants' Legal Protection." *ScienceRise: Juridical Science* 3, no.13 \(2020\): 52-59.](#)
- [Leider, Jacques. "The Chittagonians in Colonial Arakan: Seasonal and Settlement Migrations." in Bergsmo, Morten, Wolfgang Kaleck and Kyaw Yin Hlaing. *Colonial Wrongs and Access to International Law*. 40 \(Torkel Opsahl Academic EPublisher, 2020\) 177-227.](#)
- [Lugulu, J. *The Regional Law of Refugee Protection in Africa by Marina Sharpe.* *Hum Rights Rev* 21, 463–465 \(2020\).](#)
- [Masters, Mercedes, and Salvador Santino F. Regilme. "Human Rights and British Citizenship: The Case of Shamima Begum as Citizen to Homo Sacer." *Journal of Human Rights Practice* \(2020\).](#)
- [Meijer, Roel, James N. Sater, and Zahra R. Babar. *Routledge Handbook on Citizenship in the Middle East and North Africa.* \(Routledge, 2020\).](#)

- [Philipsborn, Rebecca Pass, Ella A. Sorscher, William Sexson, and H. Hughes Evans. "Born on US Soil: Access to Healthcare for Neonates of Non-Citizens." *Maternal and Child Health Journal* \(2020\): 1-6.](#)
- [Roth, Julia. "Citizenship, Migration, and the Gendering of Modern/Colonial Inequalities." in Winkel, Heidemarie, and Angelika Pofert \(eds\) *Multiple Gender Cultures, Sociology, and Plural Modernities: Re-reading Social Constructions of Gender across the Globe in a Decolonial Perspective* \(Routledge, 2020\).](#)
- [Rumsby, Charlie. "The God School: Informal Christian Education and Emerging Aspirations Among De Facto Stateless Children Living in Cambodia." *The European Journal of Development Research* \(2020\): 1-20.](#)
- [Rutkowska, Urszula, "The Political Novel in our Still-Evolving Reality: Kamila Shamsie's Home Fire and the Shamima Begum case." *Textual Practice*. \(2020\).](#)
- [Schwartz, Daniel. "Documentary without borders: Salomé Lamas's Extinction and the orientalism of post-soviet borders and space." *Studies in Eastern European Cinema* \(2020\): 1-23.](#)
- [Spadaro, Alessandra, "Repatriation of Family Members of Foreign Fighters: Individual Right or State Prerogative?" *International & Comparative Law Quarterly* \(2020\) 1-15.](#)
- [Susetyo, Heru, and Paul Chambers. "Repatriation for Rohingya asylum seekers in Indonesia: a durable but almost impossible solution." *Asian Affairs: An American Review* \(2020\): 1-22.](#)
- [Tamara Lenard, Patti, "Constraining Denaturalization." *Political Studies*. \(November 2020\).](#)

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