



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2026 – ISSN 2582-7820

Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

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Between Law and Life: Statelessness as Structural Violence

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Received 10 April 2026; Accepted 14 May 2026; Published 18 May 2026

This paper explores how statelessness is a form of violence built into the system. There are about 4.4 million people in the world who do not have citizenship and are treated like criminals for existing. When people do not have a nationality, they become victims of violence from institutions. They lose rights and go through cycles of being pushed to the side, locked up, and treated very unfairly. The study uses theory and human rights ideas to say that being stateless is not just a paperwork problem but a form of violence that is allowed by the state. This makes people invisible in the eyes of the law and disposable in society. By looking at examples from around the world, developments in law and stories from people, the paper says that the current approach to citizenship, which focuses on the state, leads to people being treated unfairly. The research suggests changes that focus on the victims. These changes have three parts: Immediate protection for stateless people who are victims of violence, laws to stop unfair nationality rules, and justice approaches that see being stateless as a harm that needs to be fixed. By looking at statelessness in a new way that focuses on the victims, this paper contributes to new ideas on fair citizenship and advocates for significant legal reforms that put human dignity first. The findings show that we need to work internationally to change domestic laws and hold institutions accountable to stop the violence that is built into the system and that treats stateless people like criminals just for existing. The stateless individuals face a lot of problems. Statelessness is a problem. The state-centric approaches to citizenship are unfair to stateless people.

Keywords: *statelessness, structural violence, criminalisation, human rights, victim-centric reforms.*

INTRODUCTION

In 2019, Shamima Begum, a British-born woman, found herself without a country when the United Kingdom took away her citizenship while she was living in a refugee camp.¹ Her case showed a bad reality: countries have the power to make people non-citizens, which means they are not protected by any law and can be treated like criminals. Shamima Begum's situation was very unusual. It is a big problem that affects millions of people who do not have the basic right to have a nationality. Even though this is a serious human rights issue, it is mostly ignored by the government and the legal system. The United Nations High Commissioner for Refugees says that there are 4.4 million people without a country, but this number is probably much higher, around 10 million, when we include people who are not officially counted.

These people are not protected by any country. Are not recognised as human beings, which leaves them in a very difficult situation. This paper says that being without a country is a form of violence that is built into our systems and institutions, which denies people their basic rights and dignity. Using the idea of Johan Galtung, who said that violence is not just harm but also harm caused by unfair social systems,² This research looks at how being without a country creates situations where people are treated like criminals just for existing.

People, without a country, are arrested because they do not have identity papers. They are kept in detention centres because no country will take them, they are not allowed to work because they cannot prove their status, and they are not allowed to go to school, get medical care or use social services because they do not have the right documents.

THE VICTIM-CENTRIC IMPERATIVE

Conventional ways of dealing with statelessness see stateless people as things the international community should care about, not as individuals with rights and the ability to make choices. The main focus is on what states must do and how states should work together. Millions of people are still in a situation where they do not have any status, even though the 1961 Convention on the Reduction of Statelessness has been in effect for six decades.

¹ *R (Begum) v Special Immigration Appeals Commission* [2021] UKSC 7

² Johan Galtung, 'Violence, Peace, and Peace Research' (1969) 6(3) *Journal of Peace Research* <<https://www.jstor.org/stable/422690>> accessed 05 April 2026

This study uses different ways of doing research to learn more about stateless people. It uses analysis, sociology, human rights documentation and critical theory. The paper examines case studies of laws from various countries and evidence from stateless communities. Through this analysis, the study shows how statelessness works as a form of violence. It also proposes reforms based on victim-focused principles. The paper is divided into five parts. Part II explains the framework by defining statelessness as structural violence. It also looks at how this violence manifests as making people's existence a crime. Part III analyses the system that creates and continues statelessness. It identifies gaps and failures in protection mechanisms. Part IV presents case studies that show examples of statelessness-induced structural violence around the world. Part V suggests victim-focused reforms that include protection, prevention and restorative justice. The conclusion summarises the findings. Stresses the moral and legal need for significant change.

THEORETICAL FRAMEWORK: STATELESSNESS AS STRUCTURAL VIOLENCE

Conceptualising Structural Violence: Norwegian sociologist Johan Galtung, a sociologist, talked about structural violence for the first time in 1969. He used this term to describe the harm that social structures and institutions cause to people. This kind of harm is not about someone being physically aggressive.³ About the way society is set up. Structural violence happens when the way society is organised stops people from getting what they need to live. It also happens when people are denied access to things like food, water and opportunities.

Paul Farmer took a look at this idea. He said that structural violence hurts some groups of individuals more than others, like those who are already struggling. This creates a situation where people start to think that it is normal to suffer, and they blame the people who are suffering for their problems.⁴ Nancy Scheper-Hughes also studied this issue. She mentions that structural violence leads to what she calls 'violence'. This is when people suffer every day because they are disadvantaged, and society does not even notice or care.⁵

³ *Ibid*

⁴ Paul Farmer, *PATHOLOGIES OF POWER: HEALTH, HUMAN RIGHTS, AND THE NEW WAR ON THE POOR* (University of California Press 2004)

⁵ Nancy Scheper-Hughes, 'Dangerous and Endangered Youth: Social Structures and Determinants of Violence' (2004) 1036(1) *Annals of the New York Academy of Sciences*

<<https://nyaspubs.onlinelibrary.wiley.com/doi/abs/10.1196/annals.1330.002>> accessed 08 April 2026

The Architecture of Legal Violence: Hannah Arendt's work on statelessness is really important because it shows how losing your nationality can be very hurtful. Hannah Arendt said that stateless people do not just lose some rights, they lose the ability to have their opinions heard and to take actions that mean something.⁶ Hannah Arendt said that stateless people do not just lose some rights, they lose the ability to have their opinions heard and to take actions that mean something.

When you do not have citizenship, you are not part of the community where your rights matter and can be enforced. Other scholars have built on Hannah Arendt's ideas by looking at how citizenship can be used to exclude and control people. Linda Bosniak says that citizenship is not a legal status but also a way to give people rights, a way to participate in politics, and a way to feel connected to others. Linda Bosniak shows that when you are stateless, you not only lose legal protection but also your voice in politics and your sense of belonging.⁷ Ayten Gündoğdu shows how being stateless reveals the violence that's at the heart of how countries are run. The power to decide whose life is important and whose life does not matter.⁸

Michel Foucault's idea of 'disappearance' helps us understand how the law can be used to hurt stateless people.⁹ Through things like taking someone's nationality, detaining them and requiring special documents, countries can make certain people invisible in the eyes of the law. They exist in the world but not in the legal world. This makes it possible for countries to violate the rights of stateless people without admitting it. If you do not leave legally, then you cannot be harmed legally.

Criminalisation of Existence: From Status to Offence: The issue of statelessness is a problem. It is not just about not having a country to call home. It leads to other problems.

Status Offences: When people don't have jobs or a country to call their own, they often have to work to get by. They can get into trouble for not having the permits or for renting a place without permission.

⁶ Hannah Arendt, *The Origins of Totalitarianism* (Penguin Classics 2017)

⁷ Linda Bosniak, *THE CITIZEN AND THE ALIEN: Dilemmas of Contemporary Membership* (Princeton University Press 2006)

⁸ Ayten Gündoğdu, *RIGHTLESSNESS IN AN AGE OF RIGHTS: HANNAH ARENDT AND THE CONTEMPORARY STRUGGLES OF MIGRANTS* (OUP USA 2015)

⁹ Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Vintage 1995)

Survival Offences: Without jobs, stateless people often have to do informal work. They might get in trouble for not having the permits or for renting a place without permission.

Administrative Detention: People without a country can be locked up for as long as immigration authorities want, even if they can't be sent back to any country because no one will take them. This is a form of punishment, without a trial or a chance to defend themselves.

Social Exclusion as Punishment: Being excluded from education, healthcare, and other services is like a punishment. It makes life very hard for stateless people.

The concept of 'crimes of the excluded' by Kitty Calavita helps us understand this.¹⁰ When the law makes some people non-persons, their actions become crimes not because they hurt others but because they don't fit into the law's idea of who's legitimate.

Structural Violence and Victim Erasure: The thing about being stateless is that it is a bad situation. Statelessness is a kind of violence that is built into the system. It makes the people who are stateless disappear. I mean, their suffering becomes invisible, and they are not seen as people who deserve justice.

First, stateless people are scattered all over the place; they are not together in one area, so they cannot work together or be seen by others. Unlike people who're victims of genocide who are all in one place, stateless people are spread out, and nobody really knows about their suffering.

Second, the government and other officials talk about statelessness in a way that makes it sound like it is a problem with paperwork. They say it is about fixing documents and following procedures. They talk about it like it's about fixing papers and following rules. What they don't say is that people without a country are getting hurt and their rights are being ignored.

Third, stateless people are often seen as a threat to security. They are thought of as criminals or people who shouldn't be here, not as people who need protection. This way of thinking

¹⁰ Kitty Calavita, *Invitation to Law and Society: An Introduction to the Study of Real Law* (University of Chicago Press 2010)

makes it easy to treat them unfairly and lock them up without helping them. It's like they are not even beings.

Fourth, stateless people are not seen by the law. They don't have the legal right to go to court or to ask for help from the government. This means that they cannot get justice even when they are clearly being harmed.

So, statelessness is not about not having a country; it is about being hurt by the system. It is a kind of violence that is built into the way things work. It makes stateless people disappear. The rest of this will look at how this violence happens in the system and how we can change things to help the victims. To help stateless people and make sure their rights are respected.

THE LEGAL ARCHITECTURE OF STRUCTURAL VIOLENCE

International Legal Framework: Protection Gaps and Systemic Failures: The international laws that govern statelessness are mainly made up of two agreements: the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.¹¹ These agreements show that countries are committed to helping stateless people. They do not work well in real life because of some big problems. These problems make it hard to help stateless people. Instead make their situation worse.

The 1954 Convention says that a stateless person is someone who is not a citizen of any country. It also sets some rules for how countries should treat stateless people. However, there are some limitations to this agreement. Not all countries have agreed to follow it. As of 2024, 98 countries have. This leaves countries not doing anything to help stateless people. The Convention also does not tell countries how to figure out who is stateless. The rights that stateless people have under this agreement are also not as good as those of refugees. The agreement does not provide a way for stateless people to become citizens.

The 1961 Convention tries to stop people from becoming stateless in a place. It does this by setting some rules that countries must follow when taking away someone's nationality. It also says that children should get their parents' nationality at birth. However, not many countries have agreed to follow this agreement either. 79 Countries have.

¹¹ Convention Relating to the Status of Stateless Persons 1954; Convention on the Reduction of Statelessness 1961

In addition to these agreements, there are also some human rights agreements. The Universal Declaration of Human Rights says that everyone has the right to be a citizen of a country.¹² However, this right is not enforced. The International Covenant on Political Rights also talks about human rights, but it does not say that adults have the right to be citizens.¹³ It only says that children should have the right to get their parents' nationality. Some regional human rights agreements offer protection, but they are not enforced consistently. All these laws and agreements together create a system. This system does not protect stateless people well. It lets countries treat nationality as something they control rather than something that individuals have a right to.¹⁴ This enables countries to create and maintain stateless populations without being held accountable for the harm this causes.

National Citizenship Laws: Mechanisms of Exclusion: Nationality laws are the tools that countries use to hurt people who do not have a nationality. Even though there are laws to protect people, many countries have rules that make it hard for people to get a nationality.

Gender Discrimination: There are reasons why people do not have a nationality. For example, some countries do not let women give their nationality to their children or husbands.¹⁵ This means that children can be born without a nationality, especially if their father is not from the country or does not have a nationality.

Ethnic and Racial Discrimination: Some countries also have rules that are based on ethnicity or race. For example, in Myanmar, the law says that only certain ethnic groups can be citizens.

Discriminatory Birth Registration: Another problem is that many children are not registered at birth. This can be because their parents do not have the documents or because they live in a remote area.¹⁶ Without a birth certificate, it is hard for children to prove that they have a nationality.

Arbitrary Deprivation: Some countries also take away people's nationality as a way to fight terrorism or control immigration. For example, the United Kingdom has taken away the

¹² Universal Declaration of Human Rights 1948, art 15

¹³ International Covenant on Civil and Political Rights 1966, art 24(3)

¹⁴ American Convention on Human Rights 1969, art 20

¹⁵ *Background Note on Gender Equality, Nationality Laws and Statelessness* (UNHCR, 2024)

¹⁶ *Birth Registration for Every Child by 2030: Are We on Track?* (UNICEF, 2019)

nationality of over 200 people since 2013.¹⁷ This can leave people without a nationality and without any protection.

Successor State Discrimination: When countries break apart, it can also create problems for people who do not have a nationality. For example, when the Soviet Union dissolved, many people were left without a nationality.¹⁸ This is because the new countries that were formed did not automatically give nationality to all the people who lived there. These laws are a form of violence because they exclude people from society and make it hard for them to access their rights. Children who are born without a nationality can face a lifetime of exclusion, even though it is not their fault.

The Detention-Deportation Paradox: The detention of people who do not have a nationality is also an issue. Many countries detain people who do not have a nationality while they are waiting to deport them. However, deportation is often not possible because no country will accept them. This means that people can be detained for a time even though they have not done anything wrong. For instance, in the United States, the Supreme Court has ruled that detaining people for a time without deporting them is not fair.¹⁹ However, the court only said that detention should not be longer than six months. For people who do not have a nationality, deportation is often not possible, so they can be detained for years.

European jurisprudence has similarly struggled with this paradox. In *Mikolenko v Estonia*,²⁰ the European Court of Human Rights found that prolonged or long-lasting detention of a stateless individual, absent deportation prospects, violated Article 5 of the European Convention on Human Rights. Yet such violations keep on going, and remedies remain inadequate. Release without legal status provides no durable solution, while recompense for wrongful detention cannot remedy years of lost liberty.

Australia's offshore detention system is an example. People without a country, who are trying to seek asylum, are being held indefinitely in places like Manus Island and Nauru. The conditions there are cruel. This detention and deportation problem shows how the system can be violent. The laws and rules create a situation where people get hurt. Detainees suffer

¹⁷ *Transparency Data: Citizenship Deprivation Statistics* (UK Home Office, 2024)

¹⁸ Brad K Blitz and Maureen Lynch, *Statelessness and the Benefits of Citizenship: A Comparative Study on Benefits of Nationality* (Oxford Brookes University 2009)

¹⁹ *Zadvydas v Davis* [2001] 533 U S 678

²⁰ *Mikolenko v Estonia* [2009] App No 10664/05, Eur Ct HR

because of the system's contradictions. The bureaucratic process causes a lot of harm to these people.

Access to Justice: The Barrier of Non-Existence: Stateless individuals have to face a lot of trouble in getting justice and protecting their rights. They face problems that make it hard for them to get help from the law. Here are some of the ways this happens:

Standing and Capacity: In some places, you need to be a citizen or have some kind of legal status to sue someone. Stateless people do not have these things, so they cannot go to court, no matter how badly they have been hurt.

Criminal Justice System: When stateless people do something, they can be arrested and punished. They might have to stay in jail for a time before their trial because they do not have a home address or someone to promise they will show up.

Civil Proceedings: Stateless people have a hard time suing someone in civil court. They cannot get business licenses, sign contracts, or own property. If someone hurts them or discriminates against them or takes advantage of them, they often cannot report it to the police because the police might arrest them for helping them.

International mechanisms: When stateless people try to get help from international organisations, they are often told to try to solve their problems in their own country first. Stateless people cannot do this because their own country will not help them.

All of these problems mean that stateless people are not protected by the law. Regulated, but they cannot get help when they are hurt. Even when international bodies accept complaints, enforcement depends on state cooperation infrequently helpful when respondent states refuse to recognise complainants as their nationals.

CASE STUDIES: GLOBAL MANIFESTATIONS OF EXISTENTIAL CRIMINALIZATION

The Rohingya: Genocide through Denationalisation: The Rohingya crisis is a bad situation that shows how not having a country can lead to terrible violence and even genocide. The

Rohingya Muslim minority was left out of Myanmar's citizenship law in 1982, which meant that about 1.5 million people were not considered citizens in their homeland.²¹

This was a problem because it led to a lot of violence against the Rohingya people. They were not allowed to move around, go to good schools, get good jobs, own land or even get married without permission.²² These rules made it hard for them to live their lives and created a situation where they were treated very unfairly. The fact that they did not have citizenship made it easy for the military to attack them in 2017.²³ The United Nations said that this attack was like genocide. The military killed people, hurt women and girls, and burned down many villages. This forced over 700,000 Rohingya people to flee to Bangladesh.

The Rohingya crisis shows how not having a country can make people very vulnerable to violence and genocide. Even babies born in Bangladesh are stateless. They do not have any rights. This is a problem that affects many generations.

The Bidoon of Kuwait: Invisible Citizens: The Bidoon people in Kuwait are a problem. They are called 'without' nationality in Arabic. There are around 100,000 to 120,000 Bidoon people in Kuwait. They have been living there for a long time, but they never got any official documents when Kuwait became a country.²⁴

At first, the Bidoon people were treated like everyone in Kuwait. They could go to school, get a job, and use hospitals. Since the 1980s, the government of Kuwait has been taking away their rights. The government says they are hiding their nationality. They have been living in Kuwait for generations.²⁵

The Bidoon people are not given birth certificates, marriage certificates or death certificates. This means that the government of Kuwait does not recognize the lives of they. They are not allowed to work, go to school, or use hospitals. They cannot even get a driver's license. They

²¹ International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v Myanmar)* (ICJ 2020)

²² *TOOLS OF GENOCIDE: National Verification Cards and the Denial of Citizenship of Rohingya Muslims in Myanmar* (Fortify Rights, 2019)

²³ *Report of the Independent International Fact-Finding Mission on Myanmar* (UN Human Rights Council, 2018)

²⁴ Claire Beaugrand, *STATELESS IN THE GULF: MIGRATION, NATIONALITY AND SOCIETY IN KUWAIT* (I B Tauris 2017)

²⁵ *Ibid*

cannot travel outside of Kuwait. The police can arrest them at any time because they do not have any papers. This is very unfair to Bidoon's people.

Kuwait's management of the Bidoon shows how wealthy states use statelessness as a technology of exclusion against unwanted populations. Despite the capacity to integrate Bidoon and despite compelling evidence of their generational ties to Kuwait, the state maintains their juridical non-existence, subjecting them to structural violence serving political and economic purposes – ensuring demographic dominance of recognised citizens and avoiding claims on state resources.

Bidoon activists face additional persecution – those organising for recognition of citizenship rights have been arrested, prosecuted for illegal gathering, or stripped of previously held government positions.²⁶ Thus, structural violence against the stateless extends to criminalising advocacy against structural violence itself.

Denationalised Terror Suspects: Citizenship as Conditional: The time after the 9/11 attacks saw a lot of countries taking away the citizenship of people who were suspected of being involved in terrorism. This often left these people without a country, which is against international law. Citizenship used to be a right, but now it is something that can be taken away if the government thinks it is necessary for security. This has created a group of people who are without a country.

The way the United Kingdom treated Shamima Begum is an example of this. Begum was born in the UK to parents who were citizens. When she was 15 years old, she travelled to Syria to join ISIS. In 2019, while she was in a refugee camp in Syria, the UK Home Secretary took away her citizenship. The reason given was that she could get citizenship in Bangladesh because of her mother's family.²⁷ Bangladesh denied this, stating Begum had no legal claim to citizenship, leaving her effectively stateless. Courts upheld the revocation despite statelessness concerns, prioritising national security over international legal obligations.

Similar practices happen in many democracies. France made a law that allows it to take away the citizenship of people who have citizenship if they are convicted of terrorism. Canada,

²⁶ 'Kuwait: Jailed Bidun Activists on Hunger Strike' (*Human Rights Watch*, 30 August 2019) <<https://www.hrw.org/news/2019/08/30/kuwait-jailed-bidun-activists-hunger-strike>> accessed 08 April 2026

²⁷ *R (Begum) v Special Immigration Appeals Commission* [2021] UKSC 7

Australia and New Zealand have laws that allow them to take away the citizenship of people who are involved in terrorism. The Gulf States have taken away the citizenship of hundreds of people, often leaving them without a country. For example, Bahrain took away the citizenship of 551 people between 2012 and 2019, including people who spoke out against the government and Shia Muslims.

These actions are a form of violence that is built into the system. First, they create a situation where people have no rights and cannot go home. They often cannot get citizenship in another country. Second, they do not follow the process of law. People are usually stripped of their citizenship by the government rather than by a court, and they have limited ability to appeal. Third, they are not fair to everyone. The people who are most likely to have their citizenship taken away are minorities and those who speak out against the government. Fourth, they use the fact that someone is without a country as a form of punishment. Countries use this to get rid of people they think are criminals without having to put them on trial. These actions go against Article 8 of the 1961 Convention, which says that countries cannot take away someone's citizenship if it would leave them without a country.²⁸

India's NRC and Foreigners Tribunals: Manufacturing Statelessness Through Bureaucracy: India is very familiar with the National Register of Citizens in Assam. The National Register of Citizens is a deal. It is one of the attempts to verify citizenship in the world right now. The National Register of Citizens shows how government processes can hurt people. These processes can take away someone's citizenship. The National Register of Citizens does this through rules and systems they're unfair. The National Register of Citizens can make people stateless.

The NRC Process and Mass Exclusion: In August 2019, about 1.9 million people in Assam were left out of the National Register of Citizens list, which made their citizenship status uncertain. The National Register of Citizens required people to show that they or their family members came to Assam before March 24 1971. This was very hard for people because they did not have the right documents. The people who were left out are mostly Bengali-speaking

²⁸ Convention on the Reduction of Statelessness 1961, art 8(1)

Muslims and poor Hindu communities. Many of these people have lived in Assam for a long time, but they do not have the right papers because they were not registered in the past.²⁹

The National Register of Citizens process is very unfair. One big problem is that people have to prove they lived in Assam before 1971. Many people living in rural areas and poor communities do not have valid documents.

Another problem is that the government is treating people differently based on their religion. The Citizenship Amendment Act of 2019 makes it easier for Hindus, Christians, Buddhists, Parsis, Jains and Sikhs to become citizens. It is very hard for Muslims. This means that Muslims who were left out of the National Register of Citizens list may never be able to become citizens. Out of the 1.9 million people who were left out, about 600,000 Muslims are at risk of being declared foreigners, while 1.3 million Hindus and other non-Muslims are protected by the Citizenship Amendment Act.

Foreigners Tribunals: Judicial Violence Against Victims: India's Foreigners Tribunals (FTs) exemplify how quasi-judicial mechanisms perpetuate structural violence against stateless victims. As of December 2023, 100 Foreigners Tribunals operate in Assam, with 32,381 individuals declared foreigners since 1966. These tribunals function outside normal judicial safeguards, creating systematic rights violations:

The law does not say how to prove you need to doubt someone's citizenship. The Border Police can call anyone a 'D-Voter' (Doubtful Voter), which means they are a voter. They do not need a lot of evidence to do this. By the end of 2021, the Border Police had sent 435,282 cases to courts in Assam. In 144,077 of these cases, people were told they were foreigners. Here is the thing: 44% of these cases were decided without even hearing what the person had to say.

People get notices in a language that they cannot read. Sometimes these notices are sent to addresses where they no longer live. When they do not show up to court, and this is often because they never got the notice, the court decides they are foreigners anyway.

²⁹ 'My younger son went to procure rations one day, and was informed by the shopkeeper that he would no longer be able to provide us with ration supplies. This was because I had apparently been declared a foreigner without my knowledge' (*Statelessness Hub*) <<https://www.statelessnesshub.org/country/india>> accessed 08 April 2026

When someone is named a foreigner, they cannot vote, and they may lose their job. They might not own their home anymore. They can even be put in detention. Their children will also be considered foreigners, which means they don't have any citizens' rights, like others. This is a problem that gets passed down from one generation to the next because of the way the system works.

Detention Camps: Indefinite Punishment without Crime: Indians, Foreigners, Tribunals show how special courts can hurt people who don't have a country. There are 100 of these tribunals in Assam, and since 1966, they have said 32,381 people are not from India. These tribunals work differently from courts, and that's causing many problems:

There are no rules to decide if someone might not be from India, and the Border Police can say anyone is a 'D-Voter' with little or no proof. This starts a process that assumes the person is guilty. By December 2021, 435,282 cases were sent to these tribunals in Assam. They said 144,077 people were not from India. In 44% of cases, they decided without hearing from the person. These Foreigners Tribunals don't work the same way everywhere, and most don't follow the rules. If someone is said to not be from India, they lose rights, like voting, jobs and owning property. They can also be detained. Their children get this status too, which makes them not have a country because of unfairness.

The Assam Crisis as Victim-Centric Case Study: The situation in Assam shows how the government can hurt a lot of people even when it is supposed to be fair. Some important things to consider are:

Manufactured Statelessness: India did not sign the 1954 or 1961 agreements about stateless people and does not have a system to protect them. Without international rules to follow, the state does not have to answer for making millions of people stateless through procedures.

Weaponised Documentation: The people who are most likely to be left out are poor, rural and minority communities. Are those often the states that did not provide documents in the first place? The National Register of Citizens (NRC) uses the state's failures to justify denying citizenship to these people.

Religious Discrimination: The CAA's open religious discrimination violates constitutional equality principles and international human rights law. The legislation prompted concern

that it may be part of a systemic plan to revoke citizenship from Muslims and vulnerable populations. Structural violence becomes genocide's precursor when citizenship deprivation targets specific religious or ethnic groups.

Intergenerational Harm: Structural violence can lead to genocide when people are denied citizenship because of their religion or ethnicity. The NRC and CAA have created a situation where people are denied rights and face a lifetime of suffering. Children born to parents who are not on the NRC are born without citizenship and face a lifetime of being denied education, healthcare, and other rights. A one-year-old child mentioned in a testimony will face a lifetime of statelessness.

Judicial Inadequacy: Even though the Supreme Court has criticised the conditions in detention centres and ordered deportations, the system has not changed. The Assam government just changed the name from 'detention centres' to 'transit camps', but not suffering.

India must find a solution to the problems in Assam. The victims—nearly two million persons whose citizenship becomes 'uncertain' face systematic rights violations while the responsible state mechanisms evade accountability through bureaucratic rationality. Their victimisation demands victim-centric reforms specifically addressing India's unique legal and administrative structural design of exclusion.

Rohingya Refugees in India: Compounded Victimisation: While the Rohingya crisis in Myanmar was discussed earlier, how India treats Rohingya refugees shows how the countries they move to can make their lives harder. This happens through detention, not giving them protection, and forcing them to go to where they came from.

The UNHCR says there are 22,646 stateless people in India as of 2023. Most of them are Rohingya refugees who ran away from genocide in Myanmar. India did not sign the 1951 Refugee Convention. The following are the challenges in the stateless individual phase:

- It also does not have a framework to protect refugees.
- This leaves the Rohingya without status or rights.
- Indians authorities have put Rohingya refugees in detention centres and jails.
- Sometimes they stay there forever.

- The government says the Rohingya are 'immigrants' and a threat to national security.
- They are actually refugees who ran away from genocide.
- In 2017-2018, India sent Rohingya families back to Myanmar.
- This was despite people around the world saying it was wrong.
- Myanmar also does not want to accept them as citizens.
- India did this even though it goes against the rule of not sending people to where they will be in danger.
- Rohingya kids born in India do not have citizenship.
- Myanmar does not give them citizenship because of its laws.
- India also does not give them a way to become citizens.
- These kids grow up without birth certificates.
- They also do not get to go to school or get healthcare.
- They suffer because of the actions of two countries.
- The NRC process in India and the presence of the Rohingya create issues.
- Rohingya in Assam had to do the NRC documentation.
- Some were referred to the Foreigners Tribunals.
- Refugees who are already stateless face problems.
- They are treated like foreigners in a country where they sought protection from genocide.
- India's actions against Rohingya refugees show that it does not focus on helping victims.
- Of seeing the Rohingya as victims of persecution and genocide who deserve protection.
- Indian policy sees them as security threats who deserve detention and deportation.
- Kids who have never seen Myanmar, who speak Indian languages and go to Indian schools do not have rights.
- This is because both their ancestral homeland and their birth country do not recognise them.

VICTIM-CENTRIC REFORMS: TOWARD JUSTICE AND DIGNITY

The analysis shows that being stateless is a form of violence that affects people's lives deeply. To fix this, we need changes that focus on what the victims need: their rights and their ability to make choices. Here are some reforms that can help tackle the issues and the specific problems in India. These reforms aim to bring about changes that put the victims first rather than making things easy for the government. The main goal is to make life better for those who are stateless. The rights of the victims should be at the centre of these changes.

Immediate Protection: Recognising Stateless Persons as Victims: States must establish accessible, fair, and efficient procedures for determining statelessness status. These procedures should include:

Dedicated determination Procedures: Statelessness determination must occur through specialised processes separate from refugee or immigration proceedings, with trained adjudicators applying the correct legal standards.

Burden of Proof: Applicants should provide available evidence, but states must assist in investigating nationality claims, recognising that stateless persons often lack documentation through no fault of their own.

Procedural Safeguards: The country should have rules to protect people who do not have a nationality. These rules include getting a lawyer for free, someone to interpret for them, and the right to appeal if they do not agree with a decision.

Provisional Documentation: The government should give people documents even if their situation has not been figured out yet, so they can get the things they need and not be put in detention for no reason. The way the Netherlands handles people who do not have a nationality is an example for other countries to follow. They have a process just for these people that is separate from the process for asylum seekers. They provide free legal aid and provisional residence permits during the determination. However, even this system requires improvement; determination takes years, and provisional status provides limited rights.

Enhanced Rights Protections –

Stateless people should get the rights as refugees, including the following rights:

Legal Residence and Work Authorisation: Immediate right to stay and work legally, preventing criminalisation of survival activities.

Access to Education: Full access to primary, secondary, and higher education for stateless children and adults without discrimination.

Healthcare Access: Help with housing, food and money for people who need it, just like citizens get.

Social Security: Access to social safety net programs, including housing assistance, food security programs, and income support on par with nationals.

Freedom of Movement: The ability to move around inside the country and get travel documents to go abroad.

Family Reunification: The right to be with family members again because being separated from them makes things worse for those who have been hurt. These rights must be protected by law. People, without citizenship, must be able to go to court and fight for their rights without any problems because of their status.

Prohibition of Detention -

People who do not have a country should never be locked up by immigration unless it is decided that they might run away or cause harm that cannot be stopped in ways. Key reforms include:

Absolute Prohibition of Indefinite Detention: Maximum detention periods (e.g., 90 days) after which release becomes mandatory regardless of deportation prospects.

Alternatives to Detention: Community-based case management, reporting requirements, and other non-custodial measures must be the default approach.

Detention Conditions: Any detention must meet international values with judicial review, legal representation, and regular reassessment of necessity.

Protection from Criminal Prosecution for Status: Statelessness itself, lack of documentation, or unauthorised attendance must never constitute criminal offences.

The Zadvydas doctrine needs expansion globally; no person should face indefinite detention when elimination remains impossible, and stateless individuals should generally not face detention at all, given the permanence of their non-removability.

Prevention: Eliminating Structural Violence at its Source: Universal Birth Registration and Childhood Nationality -

Preventing childhood statelessness requires comprehensive reforms:

Universal Birth Registration: Universal birth registration should be free, easy to access and available for every child, no matter who their parents are, where they live or what their situation is. This requires proactive outreach to marginalised communities, mobile registration in remote areas, and elimination of documentation requirements that exclude undocumented parents.

Automatic Nationality Acquisition: All children born on state territory or to nationals must automatically acquire nationality at birth with extremely limited exceptions, implementing *jus soli* (birthright citizenship) and *jus sanguinis* (citizenship by descent) without discrimination.

Foundling Protection: Children found abandoned must be presumed nationals of the state where found unless proven otherwise.

Stateless Parents: Children born to stateless parents must acquire the nationality of the birth state to prevent intergenerational statelessness.

These reforms implement Article 7 of the Convention on the Rights of the Child, which guarantees every child's right to acquire a nationality.³⁰ Full implementation would prevent millions of cases of childhood statelessness globally.

Elimination of Discriminatory Nationality Laws -

Gender and ethnic discrimination in nationality laws must be abolished:

- Gender Equality

³⁰ Convention on the Rights of the Child 1989, art 7

- Ethnic and Racial Equality
- Multiple Nationality Acceptance

The African Charter on the Rights and Welfare of the Child provides strong protection, requiring states to grant nationality to children born on their territory who would otherwise be stateless.³¹ Universal adoption of such provisions would eliminate most structural sources of childhood statelessness.

Strict Limitations on Denationalisation: Arbitrary citizenship deprivation constitutes grave structural violence requiring stringent limitations:

Absolute Prohibition on Statelessness-creating Deprivation: States must never deprive individuals of nationality if deprivation would render them stateless, without exception for national security or any other reason.

Judicial Process Requirements: Any permissible denationalisation (only when the affected person possesses another nationality) must occur through judicial procedure with full due process protections, legal representation, and appeal rights.

Substantive Limitations: Denationalisation should be limited to cases of nationality fraud (obtaining citizenship through material misrepresentation) and prohibited for political expression, security concerns, or other grounds.

Proportionality Requirements: Even when permitted, denationalisation must be a proportionate response demonstrably necessary for compelling state interest not achievable through less extreme measures.

These reforms implement the International Law Commission's draft articles on the expulsion of aliens, which emphasise that statelessness-creating expulsions violate international law.³²

State Succession Protections –

State succession must not produce Statelessness:

³¹ African Charter on the Rights and Welfare of the Child 1990, art 6

³² Draft Articles on the Expulsion of Aliens, with Commentaries 2014, art 8

Presumptive Continuity: Individuals possessing the nationality of the predecessor state must automatically acquire the nationality of at least one successor state.

Option Rights: Individuals with connections to multiple successor states should possess option rights to choose their nationality.

Burden on States: Successor states, not individuals, bear the burden of proving that individuals lack sufficient connection to warrant nationality.

The European Convention on Nationality's Chapter VI provides detailed provisions for state succession situations that, if universally adopted, would prevent successor-state statelessness.³³

Restorative Justice: Reparation and Pathways to Belonging: Victim-centric approaches require recognition that statelessness inflicts harm requiring remedy beyond simply ending the condition. Restorative justice for stateless persons must include reparations, facilitated naturalisation, and structural accountability.

Reparations and Compensation –

States that create or perpetuate statelessness bear responsibility for the harms inflicted. Restorative justice requires:

Acknowledgement and apology: Official recognition that statelessness constitutes a human rights violation and state responsibility for harm caused. This acknowledgement validates victims' suffering and establishes a foundation for repair.

Compensation: Financial reparations for harms suffered, including lost education, employment opportunities, healthcare, family separation, unlawful detention, and psychological trauma. Compensation schemes should be accessible without burdensome proof requirements, recognising the documentation challenges stateless persons face.

Rehabilitation: Support services including mental health treatment, educational remediation, skills training, and integration assistance to help formerly stateless persons rebuild lives after prolonged exclusion.

³³ European Convention on Nationality 1997, ch VI

Guarantees of Non-Repetition: Legal and institutional reforms ensuring that discriminatory laws and practices that produced statelessness cannot recur.

Germany's partial reparations to children rendered stateless by Nazi-era laws provide limited precedent. In 1949, Germany restored citizenship to persons denationalised between 1933 and 1945, and in recent years has extended citizenship restoration to descendants.³⁴

Facilitated Naturalisation Pathways -

For long-term stateless residents, naturalisation provides the most complete remedy, offering not merely legal status but full membership. Facilitated naturalisation should include:

Reduced Residency Requirements: Stateless persons with extended presence (e.g., 5 years) should qualify for expedited naturalisation without the lengthy requirements imposed on voluntary migrants.

Waived Fees and Language Requirements: Financial barriers and stringent linguistic requirements that exclude marginalised stateless communities should be waived or substantially reduced.

Simplified Procedures: Streamlined application processes with legal assistance, recognising that bureaucratic complexity disproportionately impacts stateless persons lacking resources and familiarity with administrative systems.

Children's Priority: Stateless children born in the country should receive automatic or near-automatic naturalisation, preventing intergenerational perpetuation of statelessness.

Latvia's naturalisation reforms illustrate both progress and remaining challenges. Following European pressure, Latvia simplified naturalisation for stateless persons, particularly children born after independence. However, requirements remain stringent, and approximately 206,000 'non-citizens' Soviet-era residents and descendants remain without citizenship. More ambitious reforms are necessary.

Truth and Reconciliation: For communities subjected to systematic denationalisation, truth and reconciliation processes can facilitate healing and accountability:

³⁴ German Nationality 1913 Act, s 15

Documentation of Harms: Comprehensive study and documentation of statelessness-related violations, creating a historical record and basis for institutional reform.

Victim Participation: Meaningful involvement of stateless persons and affected communities in designing and implementing reconciliation processes, centering their voices and experiences.

Public Education: Educational Initiatives to raise awareness about statelessness, battle prejudice against stateless communities, and build public support for inclusion.

Institutional Accountability: Identification of policies, institutions, and officials responsible for creating statelessness, with appropriate accountability measures.

Myanmar must eventually undertake such processes regarding Rohingya denationalisation. Genuine reconciliation requires acknowledgement of state responsibility, restoration of citizenship rights, return of property, and participation of the Rohingya in governance. International support for such processes, potentially through UN mechanisms, would be essential.

India-Specific Reforms: Addressing the Assam Crisis: The Assam NRC crisis needs some changes in India right now, as follows:

Immediate Moratorium on FT Proceedings: India should stop all the Foreigners Tribunal proceedings for now. Look at all the old cases where people were not given a fair chance. The people who were not given notice or a lawyer should get another chance to prove they are citizens of India. We should assume they are citizens of India unless the government can prove they are not.

Automatic Citizenship Restoration: All the people who were born in India or who have been living in India for a time like more than ten years should automatically be given citizenship of India. The government should have to prove that someone is not a citizen of India, and the person has to prove that they are a citizen of India.

Abolition of Detention for Declared Foreigners: There is no way to send these people back to their countries, so it does not make sense to keep them locked up. The law that allows the government to keep people in detention should be changed so that people are not kept in

detention if they cannot be sent back to their country within a certain amount of time, like ninety days.

CAA Repeal: The Citizenship Amendment Act is not fair because it treats people based on their religion. India should get rid of this law. Create a new way for people to become citizens of India that is fair to everyone, no matter what their religion is. India should also create a process to figure out if someone is a citizen of India or not.

Statelessness determination Procedure: This process should be separate from the process of enforcing immigration laws. It should be done by trained people who can make fair decisions. People who are going through this process should be given legal help and temporary documents that allow them to access their rights while they are waiting for a decision.

International Convention Ratification: India should. Agree to two international agreements, the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. This would help make sure that India is treating people fairly and following standards.

Universal Birth Registration: All children who are born in India should be registered at birth, no matter what their parents' status is. This would help prevent children from becoming stateless. The Aadhaar system should also be available to people who are stateless instead of excluding them. India should create a system to protect refugees, including children who are born in India.

Refugee Protection Framework: India should enact wide-ranging refugee legislation providing protection, documentation, and pathways to citizenship for refugees, particularly children born on Indian territory. Accession to the 1951 Refugee Convention would establish international accountability.

Reparations for NRC Victims: The people who have been hurt by the NRC process should be given money to help them. They should be given back their citizenship rights. They should also be given priority access to services to help them recover from what they have been through.

Supreme Court Intervention: The Supreme Court should step in to make sure that people are not being held in detention for too long, it is not fair to hold people in detention, and people should be released if they have been held for more than a certain amount of time, like 19 days.

These changes would help the people who have been affected by the NRC crisis in India, so that they are treated fairly and their rights are protected. The Assam NRC crisis is a problem, and India needs to make some big changes to fix it. India needs to make sure that the people who have been affected by the NRC crisis are treated with dignity and respect, and they are given the help they need to recover from what they have been through. The Assam NRC crisis is a challenge for India, but it is also an opportunity for India to make some positive changes and to become a fairer and more just society.

IMPLEMENTATION MECHANISMS: FROM NORMS TO REALITY

Legal Reforms stay hopeless without strong functioning mechanisms ensuring victim-centric principles guide practice:

National Action Plans –

Every nation should accept broad national action plans to address statelessness, developed through participatory processes including stateless communities. Plans should include:

- Mapping exercises identifying stateless populations and root causes.
- Timetables for legal reforms eliminating discriminatory laws.
- Procedures for status determination and documentation.
- Integration support services.
- Regular reporting and assessment mechanisms.

Institutional Infrastructure –

Specialised institutions committed to statelessness issues improve implementation:

Statelessness Units: Dedicated government units with expertise in statelessness, distinct from general immigration enforcement

Ombudspersons: Independent offices to investigate complaints, monitor implementation, and advocate for stateless persons.

Advisory Bodies: Formal advisory councils counting stateless individuals and civil society representatives to inform policy.

Legal Aid and Representation -

Access to justice needs effectively funded legal aid systems providing:

- Free legal representation for statelessness determination procedures.
- Strategic litigation support to challenge discriminatory laws and practices.
- Know-your-rights education and community legal clinics.
- Language-accessible services ensuring comprehension.

Civil Society Partnership -

NGOs and community organisations play important roles that governments should support:

Documentation and Advocacy: Supporting investigation of violations and advocacy for reforms

Service Provision: Delivering legal aid, education, and social services where government systems exclude stateless persons

Community Organising: Facilitating collective action by stateless persons themselves.

International Solidarity: Building transnational networks and pressure for change

Organisations like the Institute on Statelessness and Inclusion (ISI), the European Network on Statelessness (EU), and local common groups deserve strong funding and partnership rather than the minor status they currently occupy.

INTERNATIONAL MONITORING AND ENFORCEMENT

We need to make sure that Global mechanisms are doing what they are supposed to do. Global mechanisms must make sure that countries are accountable for what they do. Here are some things we can do:

Universal Ratification: We need to get every country to agree to the 1954 and 1961 Conventions. We can do this by putting pressure on them and by giving them incentives to join. This is called ratification of the 1954 and 1961 Conventions.

Reporting Requirements: Every country must tell us about the people who are stateless and what they are doing to help them. We also need to make sure that someone is checking to see if the countries are telling the truth. This is called Reporting requirements for stateless populations.

Special Rapporteur: We need someone to look into the problems of stateless people and tell us what is going on. This person is called the UN Special Rapporteur on Statelessness.

Adjudication: We need a way for stateless people to complain to someone who can help them. This is called Adjudication. It is a way for stateless people to get help.

Sanctions: If a country is doing something to stateless people on purpose, then we need to do something about it. We can use sanctions like taking their money or putting them in the International Criminal Court. This is called Sanctions for statelessness-creation, as persecution and Global mechanisms must use it to keep countries accountable. Global mechanisms are very important. We need to make sure they are working properly.

CONCLUSION

This paper has shown that statelessness is a problem. It is a kind of violence that is built into the system. It is a harm that is done on purpose by the laws and the government. This hurts a lot of people around the world. The researchers looked at some examples, like what happened to the Rohingya people, the Bidoon in Kuwait, who are suspected of terrorism and have had their citizenship taken away and the crisis in Assam, India, with the National Register of Citizens. Statelessness is the problem, and it is what is causing all these issues. The research has made it clear that statelessness is the issue, and it is what is hurting so many people, making them victims, without any rights, and statelessness is the problem that needs to be solved.

The situation in India shows how democratic countries use rules to make a lot of people stateless. Two million people are not on the NRC list. Many thousands are said to be foreigners by courts that do not follow fair procedures. Hundreds are kept in camps for a

time with no way to be deported. Children born in India without citizenship rights are also suffering. These people are examples of the harm that can be done by fair citizenship checks. Indians case shows that harm to stateless people can happen not in war zones or countries with dictators but also in democracies. The Indian government makes choices that affect a lot of stateless people. Stateless people in India face a lot of problems because of these choices. The NRC list leaves out people. People in India who are stateless have a life. They do not have citizenship rights. Their situation is hard because of government policies.

The old way of looking at stateless people has not worked. It has been sixty years since countries agreed on some rules to help these people. Still, at least 4.4 million people are stateless, and a lot more people do not have any papers to prove who they are. Also, new ways of people becoming stateless are happening because countries are taking away citizenship and making rules that exclude people. This is a problem, and it is time to change the way we think about statelessness. We need to start thinking about what stateless people are going through, what they need, and what rights they should have.

The reforms that focus on the victim are based on three ideas. First, we need to protect people who are stateless and make sure they get the rights and help they deserve. We also need to stop unfair laws and make sure people are not treated badly for no reason. Then we need to make things right by giving people money to make up for what happened, helping them become citizens and making sure the people who hurt them are held responsible for what they did. For India, we need to make some changes. These changes include stopping the proceedings of the Foreigners Tribunal, closing the detention camps, getting rid of the CAA law, agreeing to international rules about statelessness, creating a system to protect refugees and giving money to people who were hurt by the NRC. To make all of this happen we need to have a plan that the whole country follows we need groups to help we need to give people good legal help we need to work with regular people and the community and we need the Supreme Court of India to get involved and make sure everyone's basic rights are protected, like the rights that are, in Articles 14, 15 and 21 of the Constitution. The victim-centric reforms and the Supreme Court of India and the victim-centric reforms must work together to protect the rights of stateless persons, and the victim-centric reforms must be implemented to help the victims.

These reforms are not merely technical adjustments but a fundamental reconceptualisation of citizenship and sovereignty. Modern citizenship law embodies what Ayten Gündoğdu terms ‘rightlessness by design’, a systematic architecture enabling states to render populations disposable.³⁵ Dismantling this architecture requires recognising that human dignity and fundamental rights cannot depend on nationality, that states lack unlimited discretion to determine membership, and that the international community bears responsibility to ensure no person exists outside legal protection.

It is very clear what we should do. In this day and age, no person should be treated like a criminal just because they exist. Every person deserves to be treated with respect and have their rights, no matter where they are from. Every kid deserves to grow up and be the best they can be without being born into a life where they do not have the same rights as others. Every community deserves to be safe from the harm that can come from taking the rights of many people at once.

We have laws to stop people from being stateless. The problem is that the people in charge do not want to make a change. We need to listen to the stateless people. We need to respect them and know that they are suffering. This is not a problem that we need to manage. It is an injustice that we need to fix. We need to see people like Shamima Begum, Rohingya refugees, Kuwaiti Bidoon and people who are not on India's NRC list as people, not as threats or problems. There are millions of people like this. When we do not include them, it hurts all of us. In India, the judges, the community, and the people who make laws need to understand that there are two million people who do not know if they are citizens or not. These people are not just problems to be solved. They are victims who need our help and protection now. They need their rights back. They need a complete solution to their problems.

The way forward requires courage, creativity and solidarity. We need to be brave enough to challenge the systems that create statelessness and imagine a way of thinking about citizenship that is not based on nationalism. We need to work to build a world where every person has a place and a voice. As Hannah Arendt said, the right to have rights is the basic

³⁵ Gündoğdu (n 8)

human right of all.³⁶ Until every person possesses this right, until the structural violence of statelessness is dismantled, the promise of universal human rights remains unfulfilled.

The criminalisation of survival has to stop. Being without a country is a form of violence that must be replaced with fairness and respect. This is not a fetched idea but a fundamental human right. People without a country have been waiting for a time for things to change. It's time for a change now.

³⁶Arendt (n 6)