

## **The Discourse-Historical Approach: The Comparison of The Statelessness Identity in Germany and Latvia**

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### **Abstract**

*The statelessness is not a new issue within European countries. Statelessness had made some highlights but finally gained significant attention after the collapse of the former Soviet Union, Czechoslovakia and Yugoslavia in the late 1980s. This study aims to see how the European Commission and the European Network on Statelessness talk about identity in the statelessness issue in Germany and Latvia. Through the qualitative research method, specifically employs the Discourse-Historical Approach (DHA) from Ruth Wodak, this study aims to reveal the language and the linguistics used in the ad-hoc query and statelessness index to further investigate the identity perspective of statelessness issue in Germany and Latvia. The main finding is that there are several distinctions between Germany and Latvia to handle statelessness issue in their respective countries. While Germany has a problem to conduct statelessness determination procedure, Latvia has succeeded to create its own statelessness determination procedure although in the end has created categorisation bias. This finding appears in both Statelessness Index and in the Ad-hoc query.*

**Keywords:** *statelessness, identity, Germany, Latvia, Discourse-Historical approach*

### **Abstrak**

*Statelessness bukanlah isu baru di negara-negara Eropa. Statelessness telah mendapat berbagai sorotan namun akhirnya mendapat perhatian yang signifikan setelah runtuhnya Uni Soviet, Cekoslovakia, dan Yugoslavia pada akhir tahun 1980-an. Penelitian ini bertujuan untuk melihat bagaimana Komisi Eropa (European Commission) dan European Network on Statelessness berbicara tentang identitas dalam isu statelessness di negara Jerman dan Latvia. Melalui metode penelitian kualitatif, khususnya dengan menggunakan pendekatan Discourse-Historical Approach (DHA) dari Ruth Wodak, penelitian ini bertujuan untuk mengungkap bahasa dan linguistik yang digunakan dalam ad-hoc query maupun statelessness index untuk menyelidiki lebih jauh perspektif identitas dari isu statelessness di negara Jerman dan Latvia. Temuan utama dari penelitian ini bahwa terdapat beberapa perbedaan antara Jerman dan Latvia dalam menangani isu statelessness di negara masing-masing. Jerman memiliki permasalahan dalam prosedur penetapan status statelessness, sedangkan Latvia berhasil membuat prosedur penetapan status statelessness sendiri meskipun pada akhirnya menimbulkan kategorisasi yang bias. Temuan ini muncul secara konsisten di kedua kategori data, yakni pada statelessness index dan pada Ad-hoc query.*

**Kata kunci:** *statelessness, identitas, Jerman, Latvia, pendekatan discourse-historical*

**Introduction**

The United Nations Refugee Agency -UNHCR, had a campaign to end statelessness with #IBelong hashtag through several actions, such as on the Ministerial Conference on the Eradication of Statelessness in the Great Lakes Region in Nairobi, Kenya on 16-18 April 2019; the signing of the Memorandum of Understanding with the national human rights institute of Indonesia and Malaysia to address the issue of statelessness in Sabah, Malaysia on 23 April 2019; and the World Conference on Statelessness in the Hague, Netherlands on 26-28 June 2019 among others ("The Campaign to End Statelessness," 2019, pp. 1-5). These initiatives did not only involve states' officials, but also activists, Non-Governmental Organisations, academics, the United Nations officials, and institutes; the actions also took place in several countries, from Kenya and Cote d'Ivoire in Africa, Malaysia and Indonesia in Asia, the Netherlands and Lithuania in Europe and so on ("The Campaign to End Statelessness," 2019, pp. 1-6). These massive initiatives done by UNHCR emerged as the needs to diminish total number of refugees, asylum-seekers, internally displaced persons, returnees, and statelessness persons. In the UNHCR Statistical Yearbook 2016, there are almost 68 million of people who are categorized as the refugees, asylum-seekers, internally displaced persons, returnees, and statelessness persons (*UNHCR Statistical Yearbook 2016, 2017*, p. 10). Africa becomes the region with the highest total population of concern, more than 20 million of people -along with the Middle East and North Africa with almost 19 million of people (*UNHCR Statistical Yearbook 2016, 2017*, p. 10). Europe has the second lowest total population of concern -accounted for more than 10 million (*UNHCR Statistical Yearbook 2016, 2017*, p. 10).

Internally displaced person (IDP) becomes the highest proportion in the total population of concern -with 36.6 million, compared to other population in the categories (*UNHCR Statistical Yearbook 2016, 2017*, p. 10). Statelessness is accounted for 3.2 million of people, with 570.342 people in Europe region (*UNHCR Statistical Yearbook 2016, 2017*, p. 10). Denmark, Germany, Latvia, Poland, Rep. of Moldova, and Sweden are countries with the highest proportion of statelessness person in Europe (*UNHCR Statistical Yearbook 2016, 2017*, pp. 43-44).

Statelessness issue, along with the racially discriminatory exclusion of minorities in Europe, had been brought couple of times, but finally changed significantly due to the collapse of the former Soviet Union, Czechoslovakia and Yugoslavia in the late 1980s (Cahn, 2012, p. 297). These changes are mainly, "...developing to bring about a change in the meaning of citizenship in Europe, particularly with regard to the exercise of rights" (Cahn, 2012, p. 297).

Sawyer and Blitz quoted Thomas Hammarberg's statement -the Council of Europe's High Commissioner for Human Rights, that "no one should be stateless in today's Europe", which gains some attentions that the statelessness problem occur in both 'old' and 'new' members of the European Union (Sawyer & Blitz, 2011, p. 3). Moreover, Sawyer and Blitz emphasize the fact that the statelessness problem has not been addressed properly by the Council of Europe, "The solution is still elusive. Yet the problem of statelessness is not new..." (Sawyer & Blitz, 2011, p. 3). Furthermore, Sawyer and Blitz argue despite the fact that the issue has been existed for over 50 years, but the Council of Europe offers very little to stateless people in Europe through their enforceable human rights instruments (Sawyer & Blitz, 2011, p. 3).

Although, Solska argue that "...the European Union conditionality has been the most effective measure to liberalise the minorities' policy in the Baltic states" (Solska, 2011, p. 1094), as according to the UNHCR data that Baltic states have the highest concentration of stateless people in Europe, but the number of stateless people had been decreased insignificant from 362.962 stateless people by the end of 2013 to 328.641 in 2016<sup>1</sup>.

Not to mention, the European Union (EU) has been inconsistent in applying its own law regarding non-racial discrimination in number of sectoral fields and employment. The EU did not take sufficient action to counter Nicholas Sarkozy's announcement to dismantle the settlement of Roma from Bulgaria and Romania in France, and also to take force of expulsion from a number of this Roma from France (Cahn, 2012, p. 306). Moreover, the efficacy of discrimination ban has been unknown, yet do not extent to procedures concerning citizenship or any form of personal establishment status (Cahn, 2012, p. 306).

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<sup>1</sup> Obtained from UNHCR Statistical Yearbook 2013 and 2016, <https://www.unhcr.org/statistical-yearbooks.html>

To overcome this weakness of EU rule inconsistency, several non-governmental organisations (NGOs) take part to advance the statelessness reduction agenda. One of them is the European Network on Statelessness -which is a civil society alliance committed to address statelessness in Europe by conducting and supporting legal and policy development, awareness-raising and capacity building activities ("Mission Statement,"). Others being Refugees International which published a report on global survey of denial of citizenship mapping in Bangladesh, Estonia, and United Arab Emirates; Equal Rights Trust and London Detainee Support Group as two London-based organisation to combat discrimination and promote equality (Blitz, 2011, pp. 124-126).

To conclude, this study aims to compare how does the European Commission and the European Network on Statelessness talk about identity in the statelessness issue in Germany and Latvia. By asking this question, this study intends to see how the European Commission -as the representation of the European Union, compared to the European Network on Statelessness -as the representation of civil society alliance of 140 NGOs, academics, and individual experts in over 40 countries, in talking about identity in statelessness issue.

### **Literature Review**

The term of statelessness could be traced back historically to some explanations: "The right of nationality emerged under international law in the 1948 Universal Declaration of Human Rights (UDHR), made in response to the mass denationalisations and large-scale population movements precipitated by the Second World War" (Redclift, 2013, p. 2). Then, in 1954 the UN Convention on the Status of Stateless Persons was adopted and in 1961 the Convention on the Reduction of Statelessness followed (Redclift, 2013, p. 3), making the obligation for the states to eliminate and prevent statelessness. In short, statelessness has emerged as an issue for more than 60 years by now.

Lori categorises stateless people with: (1) individuals who cannot obtain national identity documents and become stateless, and (2) individuals who may have identity documents but lack residency authorization and become 'illegal' and a spectrum of groups with temporary statuses that are neither stateless nor fully unauthorized including temporary humanitarian protection and temporary labour statuses (Lori,

2017, p. 1). Sawyer and Blitz divide the stateless people by using *de jure* and *de facto*, where *de jure* stateless people might have either practical rights or a route to a nationality according to international statelessness conventions (Sawyer & Blitz, 2011, p. 4). European Union itself define stateless person as “A stateless person is not considered as a national by any State under the operation of its law, as set out in Article 1 of the 1954 Convention relating to the Status of Stateless Persons” (“Glossary: Citizenship,” 2019).

Moreover, Sawyer and Blitz see that, historically, most writings on statelessness related issues are in the form of descriptive reports such as in the United Nations Development Programme (UNDP) Human Development Report, and then move over to policy language focus in the 2000s as in Laura Van Waas who talks about two statelessness convention and international instruments then examine the legal provisions for the stateless people (Sawyer & Blitz, 2011, pp. 8-10). There is also seminal work from Hannah Arendt, which Sawyer and Blitz thought that statelessness was symptomatic of the hollowness of human rights that could only be guaranteed by states, which gave lack of support since the very beginning (Sawyer & Blitz, 2011, p. 11).

Finally, talking about statelessness could not be separated with citizenship context and national identity basis, which Sawyer and Blitz noted Gillian Brock and Harry Brighouse as they make important contribution examining the moral obligation to foreign residents on the basis of national identity (Sawyer & Blitz, 2011, p. 12). Sawyer and Blitz also noted Paul Weis as he places nationality in the context of international law and how the conflict on the operation of British Commonwealth set out the typologies of statelessness (Sawyer & Blitz, 2011, p. 13).

Contrary to the studies on the statelessness mentioned above, Fein and Straughn examine the narratives of citizenship choice among stateless Russian-speaking in Estonia in order to explore the practical meanings of (non)citizenship (Fein & Straughn, 2014, p. 690). This paper brings a context where there are available options for stateless people. This situation suggests “...the need for a more dynamic and multidimensional model of citizenship than has been inherited from the nation-centred tradition” (Fein & Straughn, 2014, p. 703). In another word, sometimes citizenship categorisation is not solely defined by their legal conceptions, as Macklin try to integrate the social

conceptions to materialize citizenship not only from geographical and political border, but also from their social border that accompany transnational mobility (Macklin, 2007, p. 333). Macklin in her paper is more intrigued to pose a question of “who is the citizen’s Other?” rather than “who is the citizen?” (Macklin, 2007, p. 3). She also puts statelessness as the opposite term of citizenship (Macklin, 2007, p. 3). This is not a shocking choice as the definitions of stateless people that have been mentioned in the previous paragraph may confirm this tendency.

The aim of this literature works is to address the importance in studying statelessness in the Europe, not only because its 24 member states are the state parties of the 1954 Convention and among them are the 19 member states of the 1961 Convention, but also because there is no similarity among the EU member states in regards to the procedure to determine statelessness, let alone in handling the issue itself (*EMN Inform: Statelessness in the EU*, 2016, p. 2). As Blitz and Sawyer borrow Hannah Arendt’s term of ‘rightlessness’ to depict the situation faced by stateless people (Blitz & Sawyer, 2011, p. 281), these diverse ways include: dedicated administrative determination procedures, general administration procedure or inside another administrative procedure, ad-hoc administrative procedures, and judicial procedures (*EMN Inform: Statelessness in the EU*, 2016, p. 2). These diverse procedures might not only make the work of the EU in tackling statelessness issue more challenging -because they must adapt with the procedures in each member states, but also might make people in the stateless group become rightless. Moreover, these diverse procedures might be caused by the difference in both stateless person’s identity and member states’ national identity. For example, the largely-numbered stateless persons in Estonia are Russian-speakers (Fein & Straughn, 2014, p. 1), whereas in Sweden comes from Middle Eastern countries such as Iran, Iraq, Syria and Turkey (Eliassi, 2016, p. 85). These diverse procedures could also be seen in ad-hoc query from each country which will be analysed in this paper and will be explained more in the next section.

### **Methodology**

This study employs qualitative research because “...interested in understanding how people interpret their experiences, how they construct their worlds, and what meaning they attribute to their experiences” (Merriam & Tisdell, 2015, p. 6). Merriam and Tisdell also quoted Van Maanen who defined qualitative research as “an umbrella

term covering an array of interpretive techniques... otherwise come to terms with the meaning, not the frequency, ...” (Merriam & Tisdell, 2015, p. 15). Moreover, this study chooses the European Commission (EC) as the representation of the European Union because the EC contributes to provide policymakers and wider public with up-to-date, objective, reliable and comparable information on migration and asylum through the establishment of the European Migration Network (EMN) ("European Migration Network,"). The European Commission, through EMN, provides not only country fact sheet which consists of overview of the main policy developments and the latest statistics for each EU member states, but also provides yearly Ad-Hoc Query on recognition of stateless persons which consists of the information how EU member states have implemented the 1954 Convention. In this research, the Ad-Hoc Query is analysed as it consists of the responds from EMN National Contact Points in each member states regarding question of the implementation of 1954 Convention. The queries used in this research are from 2015 and 2016 query, as both are the most current which available at this moment.

Moreover, this study also uses the Statelessness Index from the European Network on Statelessness. This index assesses "...how countries in Europe perform against international norms and good practice for the protection of stateless people and the prevention and reduction of statelessness” ("Methodology,"). "A country's performance is assessed against a set of benchmarks drawn from international and regional human rights standards, soft law, relevant reports, and consultation with experts” ("Methodology,"). The Statelessness Index comprises of five themes: (1) international and regional instruments, (2) statelessness population data, (3) statelessness determination and status, (4) detention, and (5) prevention and reduction. Each theme is assessed using assessment key as followed:

Figure 1: Assessment key from Statelessness Index



Related to the sample, according to the UNHCR Statistical Yearbook 2016, Estonia, Germany, Latvia, Poland, and Sweden are countries with the biggest number of stateless persons in Europe (*UNHCR Statistical Yearbook 2016, 2017*). But this study uses Germany and Latvia as the sample in this research because both countries appear in both Ad-Hoc Query and Statelessness Index, where the other three do not appear as a data in the Statelessness Index. These two countries also appear to be a good comparison because Germany and Latvia as two different countries, one is developed country and the other one is developing countries.

To analyse both yearly Ad-Hoc Query and Statelessness Index, this study uses the Discourse-Historical Approach (DHA) from Ruth Wodak. The DHA is used as an approach which suitable to elaborate the identity construction and unjustified discrimination, and also this approach focus on the historical dimensions of discourse formation (Wodak, 2016, pp. 2-3). By using DHA, this study follows Wodak's eight steps which implemented recursively, along with the four levels of triangulation principles applied in the texts which are parts of the discursive analysis (Wodak, 2016, p. 3). These texts, which Wodak called as the objectify of linguistic actions, they will integrate and manifest various voices, and will be assigned to a genre which characterised as a socially ratified way in using language in connection with particular types of social activity (Wodak, 2016, p. 4).

Wodak also explains "The DHA considers the intertextuality and interdiscursive relationship between utterance, texts, genres, and discourses as well as extra-linguistic

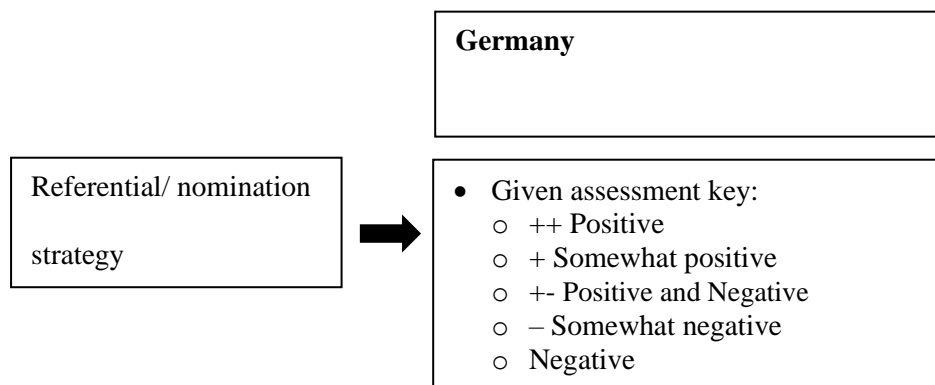


social and sociological variables, the history of an organisation or institution, and situational frames” (Wodak, 2016, p. 4). Moreover, these connections are established through several ways: (1) explicit reference to a topic or main actor, (2) references to the same events, (3) allusions or evocations, (4) transfer of main arguments from one text to the next (Wodak, 2016, p. 4). Through these connections, this study hopes to find which kind of discursive analysis used in talking about statelessness issues by the European Commission and the European Network on Statelessness. To conclude, Ruth Wodak provides five selection of discursive strategies so that author could identify the specific contents or topics of a specific discourse, then the discursive strategies will be investigated, and also examine the linguistic means as in types, specification, and context-dependent as tokens (Wodak, 2016, p. 4). The strategies are: (1) referential/nomination strategy, (2) predication strategy, (3) argumentation strategy, (4) discourse representation strategy, and (5) intensification strategy (Wodak, 2016, p. 6). In short, by using Wodak’s DHA, this study aims to peel the language and linguistics used to describe and explain the identity perspective of statelessness issue in both ad-hoc query and statelessness index.

**Analysis**

The Discourse-historical approach is employed to analyse both corpus of data, which are the ad-hoc query and statelessness index. This discourse analysis is also divided into two group of data (county), Germany and Latvia.

**a) Statelessness Index from EMN**



Predication strategy



- International and regime instruments
  - The 1954 Convention +-
  - The 1961 Convention ++
  - Other Conventions +
- Statelessness population data
  - Availability and sources +-
  - Stateless in detention data –
- Statelessness determination statuses
  - Definition of stateless person ++
  - Existence of a dedicated SDP –
  - Alternative admin procedures –
  - Access to procedures –
  - Assessment +-
  - Procedural protections –
  - Stateless status and other forms of status –

- Detention
  - Detention screening +-
  - Alternatives to detention +-
  - Procedural safeguards +
  - Protection on release –
  - Return and readmission agreements +-
- Prevention and reduction
  - Stateless born on territory –
  - Foundlings ++
  - Adoption ++
  - Ius sanguinis and discrimination +-
  - Access to birth reg –
  - Late birth reg –
  - Reduction –
  - Withdrawal of nationality +-

Argumentation strategy



- Topos of Burdening
  - the Federal Office for Migration and Refugee
  - the Federal Administrative Court
  - the Federal Court
  - the District Court
- Topos of Reality:
  - unclear mechanism determining statelessness
  - misrepresentation from total number of stateless persons
  - detention data disaggregated not by nationality
  - non-automatic German nationality of stateless new-born
- Topos of Justice:
  - No specific regulation on access to free legal aid, differ between federal states
- Topos of Urgency:
  - Does not appear to be a cooperation between relevant actors/ institutions

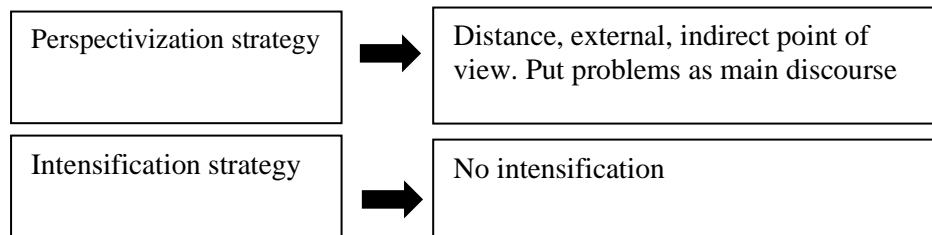
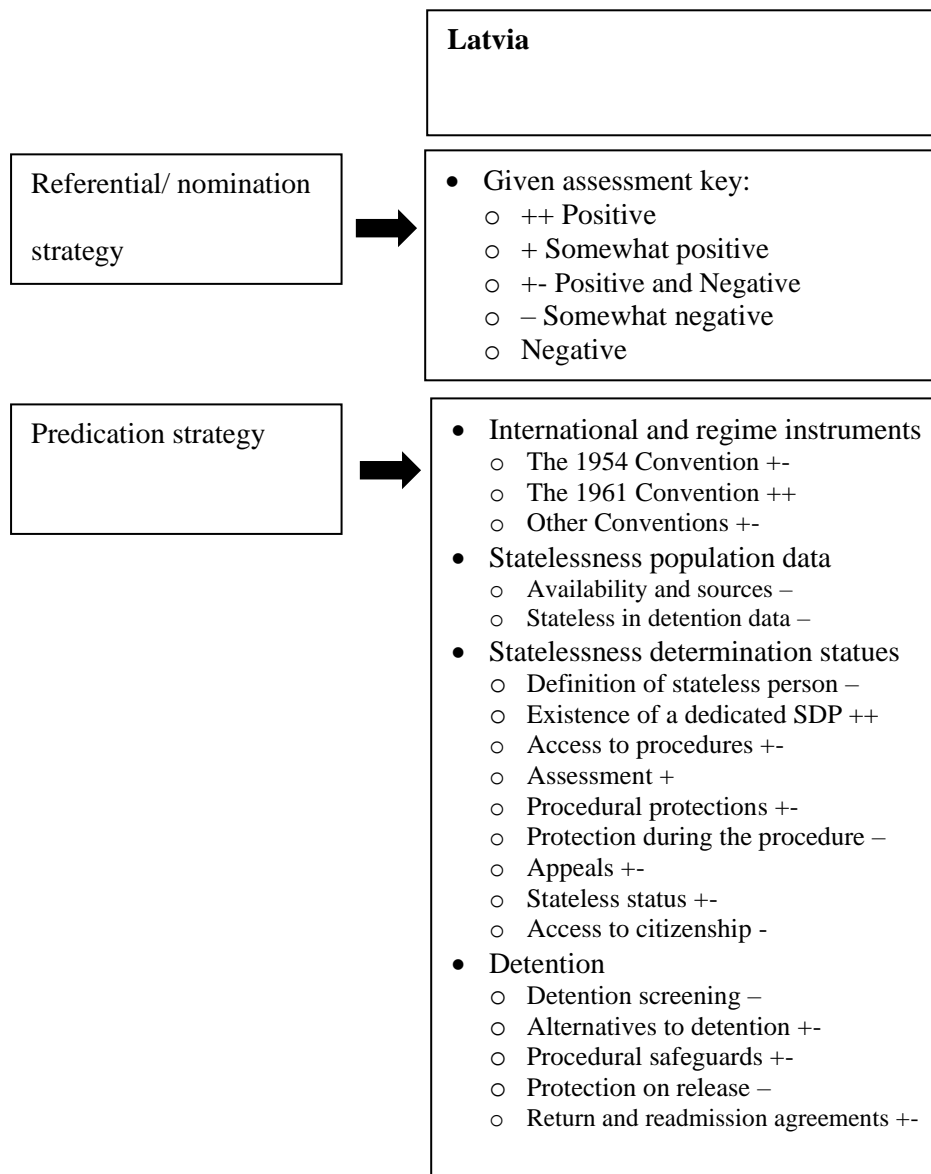


Figure 2: DHA of Statelessness Index Germany

In the DHA analysis of Germany brings by EMN through statelessness index:

- There is a possibility of overlapping categories: between stateless, unclear nationality, and without indications resulted from no-clear mechanism for identifying and determining statelessness in Germany (Marambio, 2019). This mis-identification is done without them verifying the persons’ actual nationality status. There is also a problem which a large number of people with unclear nationality, tolerated stay or irregular status, which means that the actual number of stateless persons might be higher in Germany as they are likely to be mis-represented in the Federal Statistical Office data (Marambio, 2019). The non-existence of dedicated statelessness determination procedure (SDP) might also contributed.
- The detention data on stateless people, is disaggregated by gender, not by nationality status (Marambio, 2019). Though in the statelessness index, Germany got (-) attribute in this (stateless in detention data) category, it is assumed because Germany disaggregated this data by gender, not by nationality. But, Macklin quoted Aihwa Ong who argued that “binary oppositions between citizenship and statelessness, between national territoriality and its absence, are not useful for thinking about the new configurations of spaces...” (Macklin, 2007, p. 335). Moreover, “...the difference between having and not having citizenship is becoming blurred as the territorialisation of entitlements is increasingly made in spaces beyond the state” (Macklin, 2007, pp. 335-336). Macklin uses Aihwa Ong to distinct the ‘legal aspect’ of nationality and/or citizenship, which she leans more towards the ‘social aspect’.
- The issue in the detention process also occurred, the requirement to identify a country of removal must be done prior to detaining (Marambio, 2019). If only this

process could be reversed to when the identification of nationality process in the beginning of stateless determination procedures, the detention process would be shorter, and easier. But it seems that nationality of the stateless person is not a ‘significant determinant aspect’ as even if the identity of the stateless person cannot be determined, as long as the country of destination is willing to receive them, then the deportation still can be carried out (Marambio, 2019). The absence of nationality identification and put carelessly group of people within the three overlapped categories in the beginning of processes could backfire the authority.



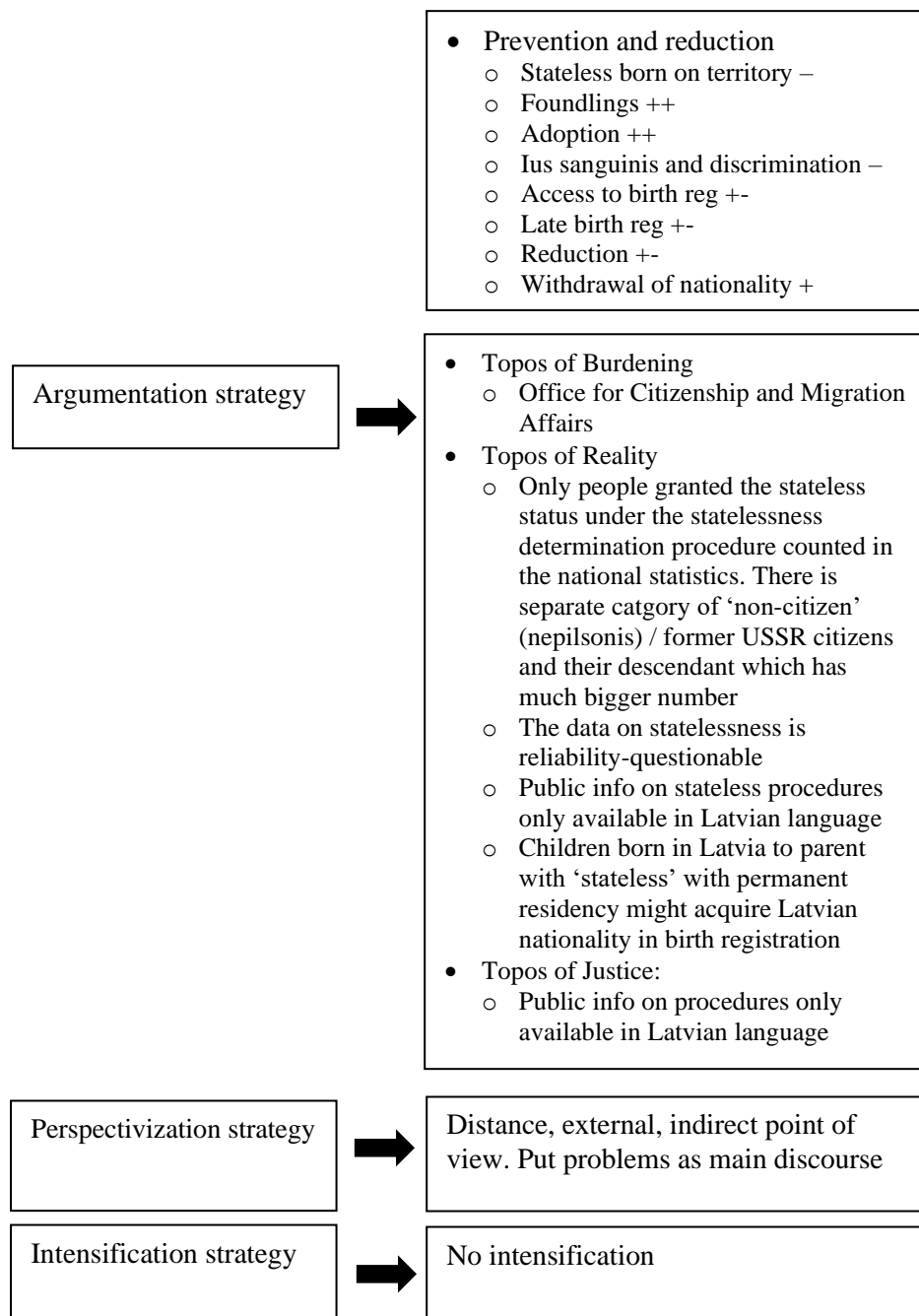


Figure 3: DHA of Statelessness Index Latvia

In the DHA analysis of Latvia brings by EMN through statelessness index:

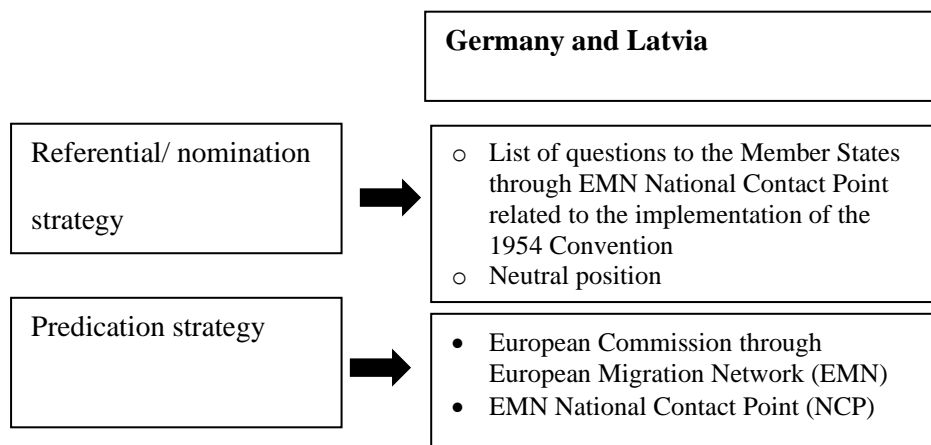
- There is a clearer categorisation of stateless people in Latvia, which are stateless and ‘non-citizens’. This ‘non-citizens’ is basically citizen from USSR and their descendant ("Latvia," 2019). This categorisation is said being problematic, as this ‘non-citizens’ is group of people with lack of nationality and meet with stateless person definition based on any international law ("Latvia," 2019). Moreover, the number of this ‘non-citizens’ counted for 228.885 in 1 January 2018, whereas the stateless people group counted for only 211 ("Latvia," 2019). UNHCR itself put this ‘non-citizens’ as stateless group in their report. Unlike Germany which has no statelessness determination procedure, Latvia has created their own statelessness determination procedure which unfortunately created categorisation bias. People in ‘non-citizens’ category has significant set of right which beyond the minimum rights prescribed by the Convention ("Latvia," 2019). But the restrictions of this ‘non-citizens’ mostly related to participation in the local government and parliamentary elections, a minimum sphere of social rights (Supule, Bebrisa, & Klave, 2014, p. 6), and limitation on land property ("Latvia," 2019). This segregation was created because this group of people still have a very much attachment and belonging to their motherland (Supule et al., 2014, p. 64). “The Latvian Law on Statelessness and the Latvian Citizenship Law define a stateless person as someone who is not considered a citizen by any state in accordance with the laws thereof, except a person who is a subject of the Law on the Status of those Former USSR Citizens who are not Citizens of Latvia or any Other State” ("Latvia," 2019). Aside from excluding ‘non-citizens’ from the definition of stateless person, the government also put ‘in accordance with the laws thereof’ in the narrower formulation than the definition from the international law definition ("Latvia," 2019). The term and law of ‘non-citizens’ was first adopted in 14 April 1995 brought the contrast in the political discourse between citizens of Latvia and the ‘non-citizens’ (Supule et al., 2014, p. 5). Although the 1954 Convention still identify this ‘non-citizens’ under the stateless category group despite the government has their own SDP.
- The data on statelessness is questionable as the figure might vary depending on the definitions employed during the census, and also the data is not routinely published by the Government, although available upon request ("Latvia," 2019).

- Public information regarding the procedures on stateless might be available via phone, email as well as in person, but only in Latvian language, not like asylum procedures which also available in English ("Latvia," 2019). This is one of the obstacles to eradicate stateless problem in Latvia because stateless person might be not familiar, or even have no knowledge of Latvian language to be the least, which exclude the stateless person even more in the society. Latvian language also become another obstacle for the stateless people in Latvia in the permanent residence permit process ("Latvia," 2019).
- The procedure for naturalisation process of stateless person recognised under SDP are: five years of living under stateless status, then applying for permanent residency (total of 10 year's legal residency) ("Latvia," 2019). General naturalisation procedure, which also applied to stateless people with no exemption: fluency in Latvian language, a legal source of income, knowledge of the constitution, national anthem and history and culture of Latvia ("Latvia," 2019). This procedure is to make sure that this stateless people will integrate well among the society. The procedure is considered common, as in Denmark require refugees and stateless persons to stay as a permanent resident for 8 years period, documented Danish language skills, documents knowledge of Danish culture, history and society, and so on (Ersbol, 2018).
- Children with parents' status of 'stateless', with permanent residency status, who born in Latvia might acquire Latvian nationality in their birth certificate if the parents register them so until the children aged 15 ("Latvia," 2019). So, it is only the matter of the parents' belongingness and will whether they want their children to acquire Latvian nationality or not, because Latvian government has provided with such procedure. If their parents do not register them until age of 15, the children may apply themselves at the age of 15 to 18 for Latvian nationality ("Latvia," 2019). With such accommodative law for children of stateless born in Latvia, its only a matter of status and choices from the parents whether they feel that Latvian nationality is worth their lives or not.

**b) Ad-Hoc Query on recognition of stateless persons**

There are several questions asked on the ad-hoc query to know the latest, the most objective and reliable information regarding the implementation of 1954 Convention. The questions' list can be found in the appendix 3 for year 2015 and appendix 4 for year 2016. In the Ad-Hoc Query year 2015 have some interesting questions that can be identified as identity related:

- 1) On the question No. 1 regarding procedure to identify stateless person, if the member states have this procedure, they are expected to differentiate stateless person with asylum seeker, also involved whether the responsibility to prove statelessness lies in the applicants or the authority also needs to obtain relevant evidences or not. Moreover, the level of proof needed to determine statelessness also being asked. This kind of questions intersect with identity question: such as do these people have a certain nationality, how is the condition from these people during the application procedures to claim statelessness, etc. Moreover, the questions regarding procedures and mechanisms to define statelessness could be differ in each member states and could reflect how each member states treat people from different groups such as asylum, stateless person, refugee, etc. If they treat all groups within the same categories, how this could impact the further handling and dividing into the right solution.
- 2) On the question No. 2 regarding the rights that might be given to the stateless person, whether they are given a different and or/ more limited rights compare to the people with citizenship status. In the worst case, this group do not have any rights attached to their status of statelessness.





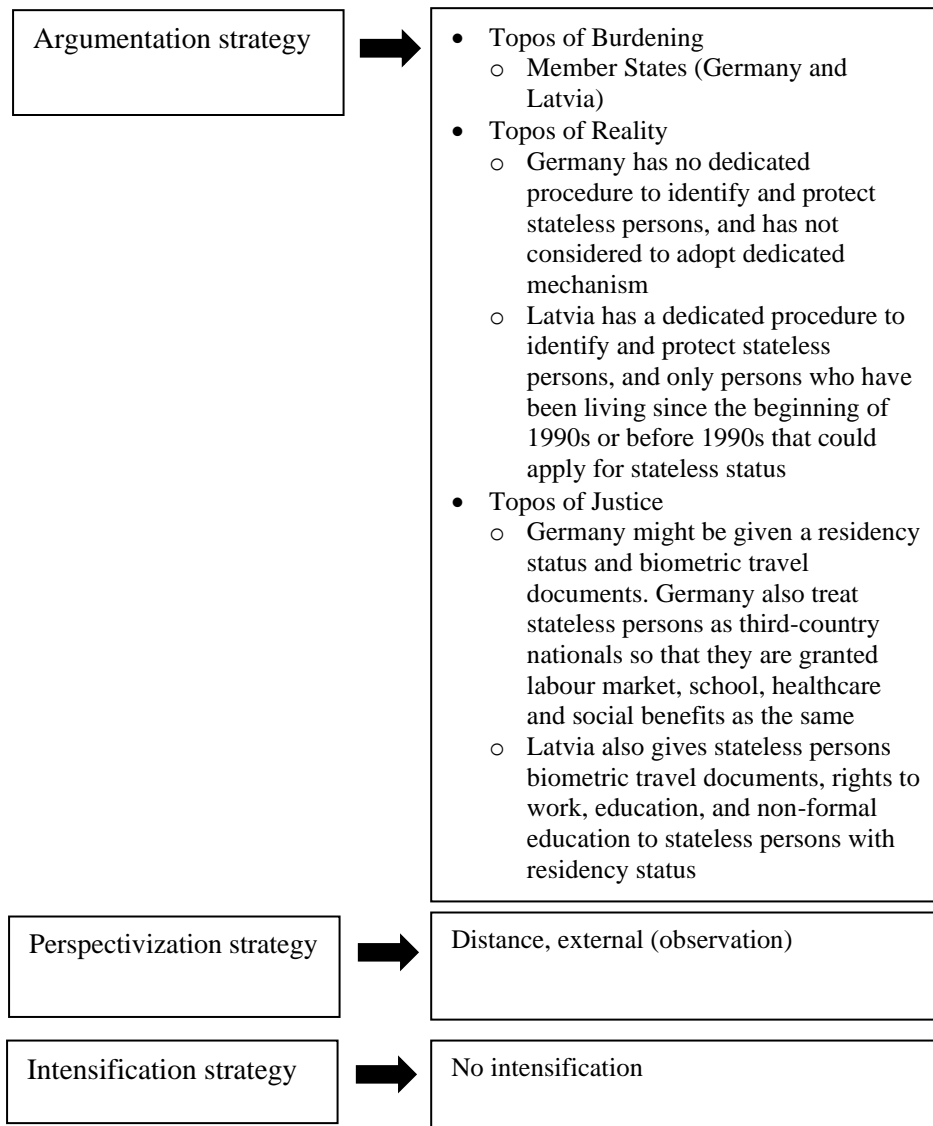


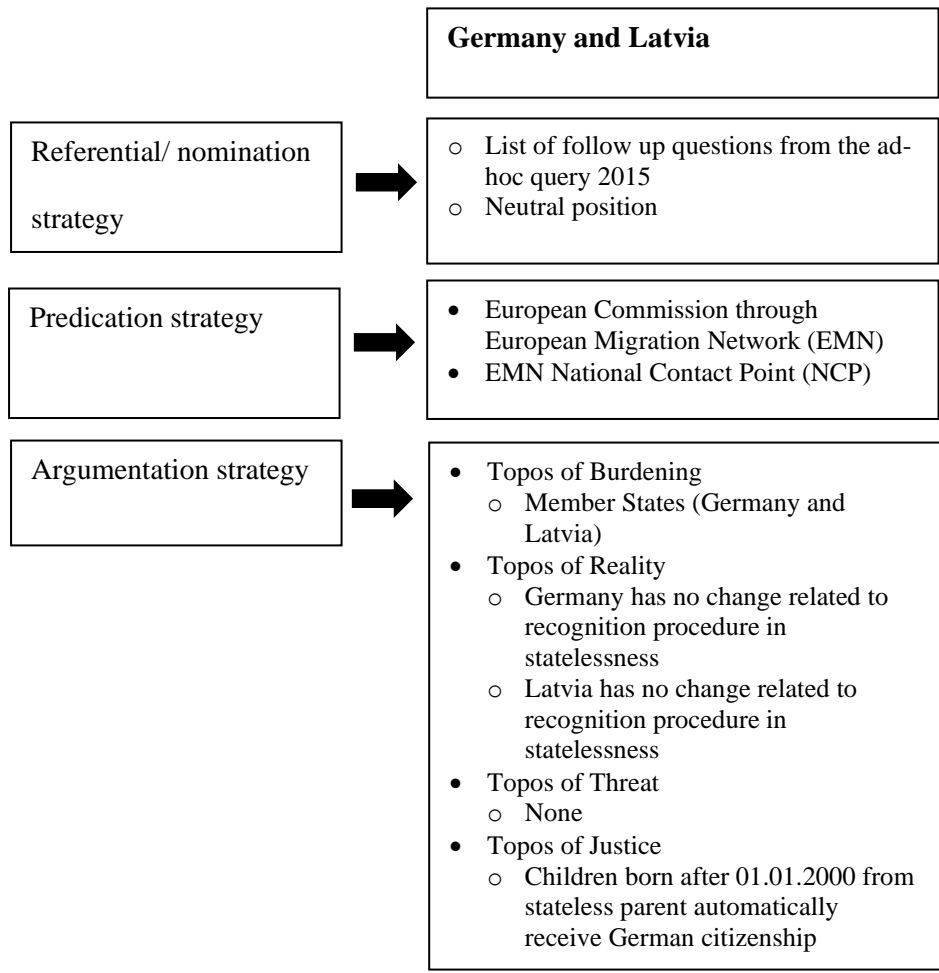
Figure 4: DHA of Ad-hoc query 2015

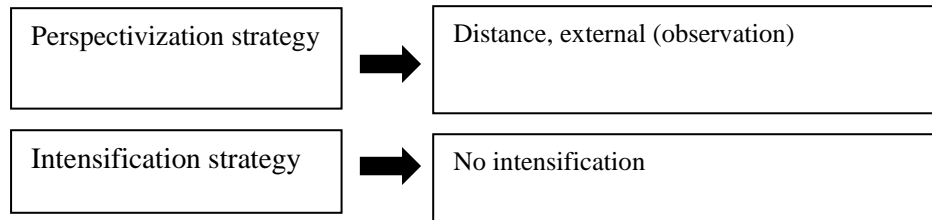
In the DHA analysis in Ad-hoc query 2015:

- Germany has no dedicated procedure to identify stateless persons and still has not considered to adopt any dedicated mechanism. Moreover, the authority in Germany feels that dedicated/ special mechanism is not to be required and put the stateless person overlapped with other categories such as ‘unclear nationality’ and ‘without indication’.

- Latvia has a dedicated/ special procedure to identify stateless persons, but only person who have been living in Latvia since the beginning of 1990s and before 1990s that could apply to stateless status. The persons who illegally entered Latvia in recent years without proper identification could not apply for stateless status.
- Both Germany and Latvia treat stateless persons with residency status with good manners, that they could have rights to access education, healthcare, labour, and also biometric travel documents.

In the Ad-Hoc Query year 2016, the questions are mainly a follow up from the ad-hoc query 2015, if there are changes to the recognition procedure, whether the member states granted a nationality to the people with stateless status, and so on.





In the DHA analysis in Ad-hoc query year 2016:

- There is no change either in Germany or Latvia regarding the dedicated procedure to stateless person.

### **Conclusion**

Through the analysis, that there are several differences between Germany and Latvia to handle statelessness issue. Germany still feels that it is not necessary to make a dedicated procedure, whereas Latvia is struggling to identify stateless persons through their dedicated procedure. These differences become the obstacles that the EU needs to overcome, which the most important thing is to make a unify definition of statelessness and put a straight line on their Member States.

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