

# SCR



THE UNIVERSITY OF  
MELBOURNE

Peter McMullin  
Centre on Statelessness



Institute on  
Statelessness and  
Inclusion

## 2023 Editorial Team

---

### EDITORS IN CHIEF

Professor Michelle Foster  
*Peter McMullin Centre on Statelessness,  
Melbourne Law School (Australia)*

Dr Laura van Waas  
*Institute on Statelessness and Inclusion  
(The Netherlands)*

### CASE NOTE EDITOR

Dr Katia Bianchini  
*Researcher, Max Planck Institute for Social  
Anthropology, Department of Law and  
Anthropology, Halle (Saale, Germany)*

### BOOK REVIEW EDITOR

Dr Barbara von Rütte  
*Postdoctoral Research Fellow, Institute for  
European Global Studies, University of  
Basel (Switzerland)*

### CRITIQUE AND COMMENT EDITORS

Dr Nyi Nyi Kyaw  
*Research Chair, Forced Displacement in  
Southeast Asia, Chiang Mai University  
(Thailand)*

Dr Christoph Sperfeldt  
*Senior Lecturer, Macquarie Law School and  
Honorary Fellow, Peter McMullin Centre on  
Statelessness, Melbourne Law School  
(Australia)*

### MANAGING EDITORS

Deirdre Brennan  
*PhD Researcher, Peter McMullin Centre on  
Statelessness, Melbourne Law School  
(Australia)*

Jade Roberts  
*PhD Researcher and Research Fellow,  
Peter McMullin Centre on Statelessness,  
Melbourne Law School (Australia)*

Maria Jose Recalde-Vela  
*PhD Researcher, Tilburg Law School and  
Programme Officer (Volunteer), Institute on  
Statelessness and Inclusion (The Netherlands)*

### OUTREACH MANAGER

Andrea Marilyn Pragashini Immanuel  
*PhD Researcher and Research Fellow,  
Peter McMullin Centre on Statelessness,  
Melbourne Law School (Australia)*

## 2023 Editorial Team

---

### PRODUCTION EDITORS

Ashley Blanch  
*JD Graduate, The University of Melbourne  
Law School (Australia)*

Kaitlin Jempson  
*JD Candidate, The University of Melbourne  
Law School (Australia)*

Joy-Helena Ferrari  
*JD Candidate, The University of Melbourne  
Law School (Australia)*

### CITATIONS MANAGERS

Joanne Abouzaki  
*JD Candidate, The University of Melbourne  
Law School (Australia)*

Maria Wu  
*JD Candidate, The University of Melbourne  
Law School (Australia)*

### COPY EDITORS

Phoebe Allan

Alexandra McKinnon

Michael Bell

Felicia Mitropoulos

Jodie Boyd

Moira Negline

Malini Chidambaram

Neha Aditi Sarkar

Shyamni Chokshi

Alexander Siourthas

Karrison Driver

Katharine Spark

Sanjana Hooda

Jonathan Ta

Hannah Joyce

Amelia Walters

## Editorial Board

---

Dr Edwin Abuya

*Associate Professor at the School of Law, University of Nairobi (Kenya)*

Dr Seth Anziska

*Mohamed S Farsi-Polosnky Lecturer in Jewish–Muslim Relations, University College London (UK)*

Professor Osamu Arakaki

*PhD Professor of International Law at International Christian University (Japan)*

Mr Fateh Azzam

*Human Rights Consultant; Executive Member, Boston Consortium for Arab Region Studies (USA)*

Professor Matthew J Gibney

*Professor of Politics and Forced Migration, Refugee Studies Centre, University of Oxford (UK)*

Professor Penny Green

*Professor of Law and Globalisation, and Director of the International State Crime Initiative, Queen Mary University of London (UK)*

Professor Dr Gerard-René de Groot

*Emeritus Professor of Comparative Law and Private International Law, Maastricht University (Netherlands); Professor of Private Law, University of Aruba (West Indies)*

Professor Linda Kerber

*May Brodbeck Professor in the Liberal Arts and Professor of History, Emerita, University of Iowa (USA)*

Professor Audrey Macklin

*Director of the Centre for Criminology and Sociological Studies and Professor and Chair in Human Rights, University of Toronto (Canada)*

Dr Bronwen Manby

*Visiting Senior Fellow, Centre for the Study of Human Rights, London School of Economics (UK)*

Dr Parivelan KM

*Associate Professor & Chairperson, Nodal Centre of Excellence for Human Rights Education & Centre for Statelessness and Refugee Studies, School of Law, Rights and Constitutional Governance, Tata Institute of Social Sciences (India)*

Dr Nando Sigona

*Senior Lecturer & Birmingham Fellow and Deputy Director, Institute for Research into Superdiversity, University of Birmingham (UK)*

Professor Julia Sloth-Nielson

*Professor, Department of Public Law and Jurisprudence, University of the Western Cape (South Africa) and Professor of Children's Rights in the Developing World, University of Leiden (Netherlands)*

Professor Kim Rubenstein

*Professor of Law and Public Policy Fellow, Australian National University (Australia)*

Professor Peter Spiro

*Charles Weiner Professor of Law, Temple University Law School (USA)*

## Artwork: Critical Mass

---

The featured artwork on our website was submitted as part of an open call for pieces responding to the *Review*'s focus on advancing understandings of statelessness and citizenship phenomena and challenges. 'Critical Mass' has been developed by architect and artist Wasim Z Habashneh. The artist's statement is as follows:

Using the traditional sand art practiced in Jordan to fill discarded fluorescent tubes with pixelated patterns.

This pattern reflects the critical mass, a term that indicates the sufficient number of adopters of innovation in a social system, so that the rate of adoption becomes self-sustaining and creates further growth. The layers of sand are positioned to resemble the transition phase of a critical mass affecting the existing mass.

The sand particles resemble the human presence and necessity in such an environment.

The piece questions the definition of a normal and healthy community: statelessness and citizenship are now an inevitable reality in our world, therefore finding ways to include them in our collective pattern is as important as retaining the current one.

## Submissions

---

The *Statelessness & Citizenship Review* is an online, open source academic journal that publishes two issues per year. Please send an electronic copy of your submission, preferably in Microsoft Word format, to the Editors in Chief at:

<info@screview.net>

All articles, critique and comments and case notes published are refereed. Other pieces are refereed at the discretion of the Editors in Chief.

## Online Resources

---

All pieces in this issue are available from our website:

<statelessnessandcitizenshipreview.com>

All URLs cited in this issue are active as of July 2023.

## Citations

---

This issue has been cited in accordance with the fourth edition of the *Oxford University Standard for the Citation of Legal Authorities* ('*OSCOLA*') as supplemented by the *Review*'s House Rules on grammar, punctuation and citation.

This volume and issue may be cited as:

(2023) 5(1) *Statelessness & Citizenship Review*

© Peter McMullin Centre on Statelessness and Institute on Statelessness and Inclusion 2023

All rights by all media reserved

# Table of Contents

---

## EDITORIAL

*Michelle Foster and Laura van Waas* 1

## ARTICLES

Responding to Netflix's Stateless Series: Misrecognition and Missed Opportunities

*Lindsey N Kingston and Ekaterina E* 4

The Racialised Non-being of Noncitizens: Slaves, Migrants, and the Stateless

*Samuel Martínez* 20

The Sale of EU Citizenship and the 'Law' Behind It

*Magdalena Zabrocka* 44

## CRITIQUE AND COMMENTARY

A Power Imbalance in Academic Scholarship on Statelessness: A Thematic Analysis of the Academic Literature on Statelessness from 2014 Onwards

*Jozefien Boone* 76

Statelessness and the Recognition of the Right to Have Rights in Germany

*Margarida Farinha* 84

Citizenship Advocacy in Myanmar — What is the Way Forward after the Coup?

*U Myo Win and José María Arraiza* 91

## CASE NOTES

*CYM v Malaysia*: Landmark Decision for Adopted Stateless Children has Little Traction Beyond Apex Court

*Jamie Chai Yun Liew* 100

Germany: Determining Statelessness Through Circumstantial Evidence

*Helena-Ulrike Marambio* 105

Citizenship Revocation and the Question of Proportionate Consequences: Latest Judgement from the Danish Supreme Court Sheds New Light on the Limits of Article 8 of the European Convention on Human Rights

*Christian Brown Prener* 112

Nationality as Reparation? The Case 002/02 Trial Judgment at the Extraordinary Chambers in the Courts of Cambodia

*Christoph Sperfeldt* 118

#### BOOK REVIEWS

*Neither Settler Nor Native: The Making and Unmaking of Permanent Minorities* by Mahmood Mamdani (Harvard University Press 2020) 416 Pages. Price \$29.95. ISBN 9780674987326

*Mariangela Veikou* 127