

THE IMPACT OF JUS SOLI AND JUS SANGUINIS ON THE CONDITION OF STATELESSNESS

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ABSTRACT

Humans as a species have always been curious about finding new territories and defending their existing beliefs and areas. This has led to many wars, communal disputes and other vices that lead to displacement of people and various problems such as Statelessness. It may also be caused by various discrimination which may be based on race or gender or religion of the people. According to a report by the United Nation Refugee Agency over 4.3 million people are stateless in 95 countries²⁰⁶. The problem was realised at an international scale after the world war and Convention on Reduction of Statelessness²⁰⁷ was introduced by the United Nation where the different states agreed to reduce the cases of statelessness around the world. Countries and International organisations over the years have recognized the human rights of Stateless People and have conducted various awareness drives to increase awareness about the same. The object of the present research paper firstly is to see the impact of “Jus Soli and Jus Sanguinis” on statelessness. Secondly the research paper will also look at the current causes of statelessness around the world and give suggestions to prevent the same.

Keywords: Statelessness, Jus Soli, Jus Sanguinis, citizenship, UNHCR.

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²⁰⁶ UNHRC, <https://www.unhcr.org/refugee-statistics/> (last visited April 3, 2023).

²⁰⁷ Convention on the Reduction of Statelessness, 1961, 989 U.N.T.S 175.

INTRODUCTION

Citizenship is a means to provide recognition to a person.²⁰⁸ It provides a right to participate in the decisions of a state and to be represented in the nation's politics. Statelessness refers to a situation when a person is not recognized as the citizen of any nation. As per the survey conducted by the "UN high commissioner for refugees there are 4.2 million stateless people worldwide", but as per their estimate it may even exceed 10 million as they are not reported.²⁰⁹

In many cases the stateless persons are subjected to discrimination, physical and mental exploitation which includes low wages and harassment. The stateless people include refugees of a war, migrants in search of jobs or better opportunities, or children born to stateless parents. It increases the social, economic, and political gap in the society and leads to poverty, conflicts and insecurity among stateless individuals and communities.²¹⁰

"Jus Soli and Jus Sanguinis" are the two main principles that govern the citizenship of a country. Jus soli stands for the citizenship that is granted by birth and jus sanguinis stands for citizenship that a child obtains through his/her parents nationality. Jus Soli is also called 'birthright citizenship' and Jus sanguinis is also known as 'bloodline citizenship.'

Statelessness refers to a situation where a person does not hold citizenship of any country. As per the "**Article 15 of Universal declaration of Human Rights**"²¹¹ every person is entitled to citizenship. The statelessness can occur because of various reasons including documentation, displacement, and discrimination. The impact of jus soli and jus

sanguinis on the condition of statelessness is significant. These principles works both ways they can hinder or help in the process of eradication of statelessness.²¹²

The current article explains the reasons of statelessness, deals with the effect of Jus Soli and Jus Sanguinis on the condition of statelessness, challenges faced by stateless individuals, determination of nationality in case where individuals are not able to prove their identity or nationality and the lack of clear guidance on how states should balance the right to respect for private and family life with the need to maintain effective immigration and citizenship control. Further few suggestions are made to fill the existing gap governing the citizenship laws of various states.

LITERATURE REVIEW

To come up with the research paper the researcher has used various journal articles and other sources to understand the concept of "Jus Soli and Jus Sanguinis" and the problems that are faced by stateless people. The researcher got the primary understanding the various topics discussed from the book called **Acquisition and Loss of Nationality**²¹³ by Harald Waldrauch which talks about "loss of nationality" because of various reasons such as renunciation, birth outside the country etc.

Another article which the researcher has used to understand the treaty of Statelessness is "**The United Nations Convention on the Reduction of Statelessness**"²¹⁴ by Paul Weis which talks about the history of the convention and its need to reduce statelessness. The paper also talks about the various provisions of the treaty and how they deal with statelessness. Another articles which the researcher has gone through is called **Combating Statelessness**²¹⁵ by Claire Achmad which discusses the various problems

²⁰⁸ Britannica, <https://www.britannica.com/topic/citizenship> (last visited April 3, 2023).

²⁰⁹ UNHRC, <https://www.unhcr.org/globaltrends.html> (last visited April 3, 2023).

²¹⁰ David Weissbrodt & Clay Collins, *The Human Rights of Stateless Persons*, 28 HUM. Rts. Q. 245 (2006).

²¹¹ Universal Declaration of Human Rights art. 15, G.A. Res. 217 A (III) (Dec. 10, 1948).

²¹² UNHRC, <https://www.unhcr.org/ending-statelessness> (last visited April 3, 2023).

²¹³ Harald Waldrauch, *Acquisition and Loss of Nationality*, 1 Amsterdam Univ. Press, (2006).

²¹⁴ Paul Weis, *The United Nations Convention on the Reduction of Statelessness*, 11 Cambridge Univ. Press, 1073 (1962).

²¹⁵ Claire Achmad, *Combating Statelessness*, 40 NZ Inst. Int'l Aff., 22-26 (2015).

faced by stateless people and their potential solution. The article however does not discuss any case laws and does not contain any legal aspects related to the same.

Another article which the researcher has referred to is called **“The Human Rights of Stateless Persons”**²¹⁶ by David Weissbrodt and Clay Collins which talk about the statelessness conventions of 1954 and 1961. The paper also talks about “De jure and De facto statelessness” and the problems faced by Stateless people. The paper however does not mention any case laws relating to statelessness. The researcher has also gone through **“Statelessness: Violation or Conduit for violation of Human Rights”**²¹⁷ by Dorothy Jean Walker which provides legal cases regarding statelessness and how different countries have dealt with the same. The paper also analyses different cases of statelessness and talks about national and international efforts to curb the problem of statelessness.

RESEARCH QUESTION

The following questions will be addressed in the research paper-

- What is the prevalence of statelessness globally, and how does it relate to the application of “jus soli and jus sanguinis” in different countries?
- What are the challenges and opportunities of implementing “jus soli and jus sanguinis” in different contexts, and how can they be used to prevent and reduce statelessness?
- What are the legal and policy implications of jus soli and jus sanguinis on the condition of statelessness, and how do they impact the lives of stateless individuals and communities?

STATEMENT OF PROBLEM

²¹⁶ David Weissbrodt, *The Human Rights of Stateless Persons*, 28 Johns Hopkins Univ. Press, 245- 276 (2006)

²¹⁷ Dorothy Jean Walker, *Statelessness: Violation or Conduit for violation of Human Rights*, 3 Johns Hopkins Univ. Press, 106 (1981).

Citizenship brings with it many rights and opportunities but there is a rapid increase in the levels of statelessness. The main reason for the same are insufficient laws creating a research gap. Thus, there is a need for laws specifically governing the citizenship rights of people who are displaced from the country of their origin or are born in a country different from their parents. Though there have been steps taken to raise the issue on an international stage by various organizations, but there is a need for further rules and regulations to maintain a balance between Right to respect and citizenship control. Hence, there exists a need for research on the reasons of statelessness, and the impact of Jus Soli and Jus sanguinis on the same.

RESEARCH OBJECTIVES

Following are the objectives of this research paper-

- To study the main loopholes in the citizenship laws that lead to statelessness.
- To analyse the need of legal framework dealing with impact of citizenship principles on statelessness at international level.
- To examine the requirement of laws to strike a balance between right to respect and citizenship control.

LIMITATION OF THE STUDY

The research paper will analyse the impacts of Jus Soli and Jus sanguinis on various conditions of statelessness. Hence, the research paper will not talk about specific scenarios that are specific to a particular country and a broader approach will be taken by the researchers.

RESEARCH METHODOLOGY

The researcher has used the doctrinal method of research in this research paper. It involves analysis of several cases, statutes, books, articles and other materials regarding statelessness and the “principle of Jus Soli, Jus Sanguinis” and the conclusion as well as the

study of the research paper would be based on collective analysis of the same.

CHAPTER 1-STATELESSNESS AND ITS CAUSES

Every human being from birth has been bestowed with certain rights. Rights which cannot be taken away from the person under any circumstances. These rights “include the right to life” and liberty, the right to express oneself and have an opinion, freedom from slavery etc. These rights are recognized by various international organisations and are considered as basic rights of human beings. But due to various societal circumstances ranging from war to discrimination based on religion these human rights are either forgotten or looked over by the different countries.

Statelessness is one of such problems faced at an international level that causes violation of basic human rights. According to reports of UNHRC there are over 10 million people that are stateless²¹⁸ and four million of them are from India²¹⁹. This problem was first recognized in the year 1954 after the end of the second world war that led to large scale displacement of people in Europe. The “**convention relating to the status of stateless persons**”²²⁰ was the first international Convention that defined the term Statelessness and talked about the rights and protections that should be offered to stateless people. The convention also provided for the minimum standards that should be maintained by states while dealing with stateless people. Article 15²²¹ “The universal declaration of Human Rights” also states that every person has a Right to a nationality and no person should be deprived of his or her nationality for arbitrary grounds. The latest development in the fields of protection and recognition of rights of stateless people was brought by the “Convention on the Rights of Child” 1990 which protects the rights of children who are vulnerable to statelessness.

In today's world statelessness can be linked to various causes, however, one of the causes for statelessness is the citizenship law of the country. Some of the countries follow the principle of Jus soli, some follow Jus Sanguinis, and some follow a mix of both. According to United Nation Human Rights Council around one third of the people who are stateless are children. In countries where the child cannot take the citizenship of the mother²²² cases of statelessness are high as it becomes hard to know the father of the child. Things such as large-scale displacement and discrimination based on the race and ethnicity of the people is also one of the reasons that causes statelessness among people even though they have been living in that country throughout their life.

The problem of statelessness is not limited to a particular country and can be seen in almost every country may it be India, Germany, or USA. In other countries such as Brunei and Malaysia it is because of the gender discriminatory laws²²³. Other reasons for the same can be war that causes mass migration of people from their home country to take shelter in a safer country. The war between America and Iraq due to ISS activities has caused multiple people living in the country to move to neighbouring countries. Such examples can be seen all around the world from Afghanistan to Colombia that has the largest number of internally displaced people²²⁴. Another reason for statelessness can be state succession which comes into picture when people move to other country looking for new opportunities.

These people cannot claim basic rights such as the right to education as they do not have any proof of citizenship. Even in cases where their basic rights are violated, they cannot approach the various judicial authorities as the laws of

²¹⁸ *Supra* note 1.

²¹⁹ BBC News, <https://www.bbc.com/news/world-asia-india-45002670>, (last visited April 3, 2023)

²²⁰ Convention Relating to the Status of Stateless Persons, Sept. 28, 1954, 360 U.N.T.S. 117.

²²¹ *Supra* note 6.

²²² Humanium, <https://www.humanium.org/en/stateless-invisible> (last visited April 3, 2023).

²²³ UNHRC, <https://www.unhcr.org/ibelong/about-statelessness/>, (last visited April 3, 2023)

²²⁴ UN Refugee and Migrants, <https://refugeesmigrants.un.org/%E2%80%98unprecedented%E2%80%99-65-million-people-displaced-war-and-persecution-2015-%E2%80%93-un>, (last visited April 3, 2023)

many countries do not allow aliens to claim such rights. People experience statelessness even though they are born in the same country. In the case of *Kuric v. Slovenia*²²⁵ person who was born in Slovenia was not given citizenship by Slovenia because of which his children were unable to get enrolled in educational institute. “The European Court of Human rights said that this is a violation of their rights under Article 8 of the European Convention on Human Rights.”

CHAPTER- 2 TAKE OF VARIOUS COUNTRIES ON PRINCIPLES OF CITIZENSHIP

USA

The American continent has been battling against the condition of statelessness since it is built mainly on immigration. The main tool it has used to eradicate statelessness is the combination of the “principles of Jus Soli and Jus Sanguinis.” Adopting jus sanguinis can help prevent statelessness by ensuring that individuals born outside a country’s territory have a clear path to citizenship and legal identity and Jus Soli provides citizenship to the child within the territory of the state. As in the case of United States the child is granted citizenship by birth based on Jus Soli principle even if the parents are stateless. Jus soli thus stands as a more objective criteria which is less dependent on nationality and legal status of one’s parents.²²⁶

Whereas the “principle of Jus Sanguinis” can create a cycle of statelessness in the family, as children born to stateless parents will be stateless. The “principles of Jus Soli and Jus Sanguinis” have been used as the base of citizenship in many countries to prevent statelessness this includes countries like United State and Canada where citizenship is granted by birth following the “principle of jus Soli.”²²⁷ Whereas Italy follows only the principle of Jus

sanguinis. Mexico, Germany, and Ireland follow a mix of “Jus Soli and Jus Sanguinis”. Countries like Brazil and Italy follows modified version of “Jus Soli and Jus Sanguinis”.

BRAZIL & ITALY

In Brazil modified version of Jus Soli is followed in which citizenship is granted to anyone whose at least one parent is a citizen or a legal resident. In Italy modified version of Jus Sanguinis is followed in which citizenship is granted to anyone born to an Italian parent irrespective of place of birth. The main reasons that these principles are adopted is to provide access to citizenship and legal identity to all the individuals. In case of countries with larger migrant population modified version of these principles are adopted to provide citizenship to promote social integration and prevent statelessness. Jus soli can also be seen as a way of promoting inclusion and diversity in a country while sanguinis can be adopted as a way of maintaining ethnic and cultural homogeneity.²²⁸

Countries might also adopt jus soli in case of high birth rate to expand their population or jus Sanguinis in case of low birth rate to maintain demographic stability. National security concerns also play a major influence on the citizenship and immigration policies of a state for example by levying restrictions on illegal immigration. On the other hand, some might open policies to attract skilled workers and promote economic development.

In case an individual is unable to prove his identity, determining his nationality becomes a complex issue which should be approached on a case-to-case basis and nuanced methods should be adopted by the states. This includes presumption of nationality of the individual if he is born in the same country or has been a resident or has strong ties with the country. Since no specific time frame has been allotted to the later it becomes ambiguous in nature.

²²⁵ Kuric v. Slovenia, App no. 26828/06 (ECTHR, Grand Chambers, 26 June 2012).

²²⁶ Brooke Kirkland, *Limiting the Application of Jus Soli: The Resulting Status of Undocumented Children in the United States*, 12 BUFF. HUM. RTS. L. REV. 197 (2006).

²²⁷ Jay Milbrandt, *Stateless*, 20 CARDOZO J. INT’L & COMP. L. 75 (2011).

²²⁸ Richard T. IV Middleton & Sheridan Wigginton, *A Comparative Analysis of How the Framing of the Jus Soli Doctrine Affects Immigrant Inclusion into a National Identity*, 21 TEMP. POL. & CIV. RTS. L. REV. 521 (2012).

CHAPTER- 3 IMPACT OF JUS SOLI AND JUS SANGUINIS ON STATELESSNESS

Jus soli can help reduce statelessness by providing a path to citizenship for individuals who are born within the territory of a country but may not have citizenship through their parents. For example, if a child is born in a country where jus sanguinis is the primary principle of citizenship, and their parents are stateless, the child would also be stateless. However, if the country recognizes jus soli, the child would be eligible for citizenship based on their birthplace.²²⁹

Jus soli can help in addressing the problem of intergenerational statelessness, a condition where parents are found to be stateless. This breaks the cycle of statelessness in the family and provides nationality to the future generations.

At the same time principle of Jus Soli can be misused by individuals. For example, in cases like 'birth tourism.' It also poses a burden on social services and resources of a country because of which countries refrain from using such principle. Jus soli might lead to political controversy especially when there exists an anti-immigrant sentiment in the state. Which in turn leads to strict laws and creates barriers for individuals seeking citizenship. It can increase the number of stateless individuals when the state does not recognize the citizenship of certain ethnic or religious groups. Children who have received their citizenship through Jus Soli might be discriminated and marginalized which will lead to social and economic disadvantage.²³⁰

On the other hand, jus sanguinis provides a clear and predictable means for individuals to acquire citizenship through family lineage. can perpetuate statelessness by excluding individuals who do not have a bloodline

connection to a country. A child born to parents who do not qualify to be the citizens of a country which only recognize jus sanguinis will be called stateless as they cannot have birthright citizenship. Citizenship based on bloodline connection can deprive a newborn of citizenship rights.

Individuals should be provided with access to all the necessary identification documents. A check should be kept overcoming systemic barriers, bureaucratic obstacles, discriminatory policies. Investigations can be conducted to determine the nationality of the individual with the help of information regarding family members and using forensic science techniques to establish the identity. These methods of determining the citizenship should transparent and easily accessible.²³¹

It is the duty of the state to maintain a balance between restrictions on the right to respect and liberty with an effective control over immigration and citizenship. Such right to respect and liberty is enshrined under "Universal declaration of Human Rights and the International Covenant on Civil and Political Rights". At the same time, it is the duty of the state to manage citizenship control to ensure safety and security.²³²

Any restriction levied on the "right to respect for private and family life" should be proportionate with the aim and it should not go beyond that. The method which lays the least restrictions should be opted an assessment of the Individual should be done to determine the no. of years he has been a citizen, his family ties, and other important considerations. Special laws for the protection of vulnerable group which includes economically, socially, and educationally backward groups especially the students and female. All individuals should be given right to challenge all the decisions that affect their private or family rights and a right to

²²⁹ James Brown Scott, *Nationality: Jus Soli or Jus Sanguinis*, 24 AM. J. INT'L. 58 (1930).

²³⁰ Christopher J. Lee, *Jus Soli and Jus Sanguinis in the Colonies: The Intervar Politics of Race, Culture, and Multiracial Legal Status in British Africa*, 29 LAW & Hist. REV. 497 (2011).

²³¹ Claude Cahn, *Minorities, Citizenship and Statelessness in Europe*, 14 EUR. J. MIGRATION & L. 297 (2012).

²³² Ernesto Sagas & Ediberto Roman, *Who Belongs: Citizenship and Statelessness in the Dominican Republic*, 9 GEO. J. L. & MOD. CRITICAL RACE Persp. 35 (2017).

legal representation to appeal against such decisions.

CHAPTER 4- NEED FOR IMPROVED CITIZENSHIP LAWS

It is the responsibility of the state to choose their citizenship laws and principles in a way that solves the problem of statelessness so that these people can claim the rights and be bounded by the duties that come with such statelessness. Citizenship plays a huge role when it comes to basic human rights that include education, healthcare, and opportunities of employment, as mentioned in the "1954 convention relating to the stateless persons. The 1961 convention on the reduction of statelessness" mentions the provisions that the states can adopt to provide citizenship rights to otherwise stateless children born in their territory.

The European Court of Human Rights made a significant ruling in the *T.I. v. United Kingdom*²³³ case, where it criticized the UK's nationality laws that permitted citizenship based on the father's lineage. This law was found to violate the rights established by the European Convention on Human Rights. Similarly, the case of *Genovese v. Malta*²³⁴ also highlighted the criticism of such laws, as they denied citizenship rights to a child whose father was stateless, despite the fact that the child's mother was a Maltese citizen.

The discrimination against a specific nationality was seen in the case of *Bosico v. Dominican Republic*²³⁵ where the individuals of Haitian descent were refused citizenship in the Dominican Republic which violated their right to a nationality.

States should encourage the principle of Jus Soli as in Germany where the child born to a Somali asylum seeker was entitled to German citizenship even though his parents were non-Germans. In the case of *Nguyen v. Immigration*

*and Naturalization service*²³⁶ even the US supreme court gave citizenship rights to a child born to a Vietnamese mother on the principle of Jus Soli.

In the case of *Cervenka v. Slovakia*²³⁷, Mr Cervenka was denied citizenship because he was not able to prove his nationality due to which he faced discrimination and exclusion in getting the opportunities otherwise available to the citizens. European Court "held it be violation of *Article 8*"²³⁸ and "*Article 14 of the European Convention on Human Rights*"²³⁹ and the decision of the authorities was found arbitrary and discriminatory. This case highlights the need for the nations to adopt non-discriminatory, inclusive citizenship laws for the benefit of marginalized and vulnerable groups to provide them access to effective remedies in case of violation of their rights.

Reasons like conflicts and forced displacement, discrimination based on race, ethnicity, religion, or gender, flawed national laws, state successions which includes changes in the government or creation of a new state, irregular or undocumented migration and the migration policies of the state, administrative errors (manipulation in the identity records of a person), economic conditions of the individual, lack of proper legal protection to the stateless. Historical and cultural factors can also contribute to statelessness. So, the laws should be made by the states keeping in my all these causes of statelessness.

CONCLUSION

"The principle of Jus Soli and Jus Sanguinis" are majorly used by various countries to determine citizenship of an individual. "Jus soli and Jus sanguinis" have a very different impact on the condition of statelessness and they impact on the lives of stateless individuals and

²³³ T.I. v. United Kingdom, [2000] INLR 211.

²³⁴ Genovese v. Malta, App. No. 53124/99 (Eur. Ct. H.R. Dec. 11, 2003).

²³⁵ Girls Yean & Bosico v. Dominican Republic, IACHR Series C No 130.

²³⁶ Nguyen v. Immigration & Naturalization Service, 533 U.S. 53 (2001).

²³⁷ V. C. v. Slovakia, App no. 18968/07 (ECTHR, Grand Chambers, 8 Nov 2011).

²³⁸ European Convention on Human Rights, Nov. 4, 1950, 213 U.N.T.S. 222, art. 8.

²³⁹ European Convention on Human Rights, Nov. 4, 1950, 213 U.N.T.S. 222, art. 14.

communities in varied ways. These principles may have both positive and negative impacts on the condition of statelessness depending upon the citizenship policies of the nation. Like in some states certain religious groups or communities are restricted from acquiring citizenship or such laws are patrilineal in nature because of which many remain stateless. Such challenges should be addressed by the countries through implementation of strict legal frameworks and political reforms to ensure access to citizenship and reduction in the levels of statelessness. There is lack of awareness, understanding among the individuals regarding the citizenship laws to avoid statelessness and an action should be taken regarding the same at national and international level. There exists legislative and judicial gap related to determination of nationality when individuals are unable to identify themselves. Lack of proper laws makes it difficult for the country to maintain a balance between private life of the individual and control on citizenship and immigration.

The “principles of Jus Soli and Jus Sanguinis” both have certain number of shortcomings but in the states which are using a modified version of such principle a decrease in the levels of stateless has been seen. It has been observed that the shortcomings of one principle are. Hence, a mix of both the principles along with codified rules and regulations governing the area of establishment of citizenship of a stateless person can successfully eradicate statelessness to a great extent.

SUGGESTIONS

- A comprehensive approach should be followed at the international level to address the underlying causes of statelessness with improved legal framework and administrative procedures. Access to good quality education, healthcare, and other basic services to everyone, irrespective of their citizenship, should be provided.

- Proper rules and regulations should be made to ensure that everyone has access to nationality so that they can enjoy the legal protection and various rights and opportunities that follows such national recognition. For this, a mix of principles of “Jus soli and Jus sanguinis” can be adopted by the countries to ensure protected citizenship rights. Same was highlighted in the case of “*Tahir v. UK*”²⁴⁰
- The current national laws should be amended to include the “principles of jus soli and jus sanguinis” and to make the already existing laws consistent with them. The policy makers should be provided training to understand statelessness before they lay down laws on the same.
- Countries should conduct awareness programmes to provide a clear and accessible information to individuals on how to acquire and confirm their citizenship.
- One of the main reasons of statelessness is flaw in the administration system which “lead to increase in the number of unregistered births”. The countries should work on strengthening their birth registration system to ensure that all the births are registered, and citizenship is granted.
- The countries should work on addressing the problem of discrimination which effects the citizens power to obtain citizenship, and, in some cases, it leads to the extent of revocation of citizenship.
- In case a country follows the principle of Jus sanguinis the citizenship policy should be made more flexible so that it becomes easier for people to prove their familial connections and ancestry to be identified as the citizen of that nation. This will help stateless individuals and refugees to access citizenship and legal identity. As held in the case of *Azimi v.*

²⁴⁰ *Supra* note 28.

Canada²⁴¹ states should adopt effective identification and verification mechanisms to determine the citizenship of a person.

- In case the individuals are unable to identify themselves for determination of their nationality international standards such as **1954 Convention**²⁴² relating to “status of stateless persons and **1961 convention**²⁴³ on reduction of statelessness” can be used as guidelines to establish the legal status. States can also conduct interviews or conduct DNA tests of the person for the determination of the same.
- The countries should strive to balance “the right to respect for private and family life” and the need to maintain immigration and citizenship control.

Overall, statelessness makes a person feel excluded even in the country of his birth, or where he has been living for decades. States are thus obligated to provide citizenship to such individuals. Grounds should be laid down by the countries to determine the nationality of the person in case his identity is not known. Similarly, nations should adopt versatile laws that are accessible even to the marginalized and backward groups to provide them citizenship and break the cycle of statelessness.

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²⁴¹ *Azimi v. Canada*, [2020] F.C.J. No. 1093 (QI).

²⁴² *Supra* note 15.

²⁴³ *Supra* note 2.

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