1) Wall painting at Lesvos, Greece (Van Buul, 2019).

UNEQUAL IDENTITIES

A policy analysis of the Dutch asylum procedure through a lens of statelessness.

MASTER THESIS HUMAN GEOGRAPHY
AUGUST 2021

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Unequal identities

A policy analysis of the Dutch asylum procedure through a lens of statelessness.

"*Citizenship is a man's basic right for it is nothing less than the right to have rights. Remove this priceless possession and there remains a stateless person, disgraced and degraded in the eyes of his countrymen*."

Earl Warren (former chief justice on the US supreme court, n.d.)

Acknowledgements

I would like to thank all involved persons that have made this thesis possible. Firstly, the respondents for the explorative expert interviews. I am grateful for your trust, interest and time for helping me exploring the topics I did not know much about before I started this research. Thank you all for clarifying policies and sharing your experiences in an open and honest way. I have learned a lot from you. Secondly, I would like to thank my two supervisors from university. Their feedback, guidance and recommendations gave me security in the directions I took. And last but not least, I would like to thank my boyfriend, my close friends and family for their mental support. You gave me hope and strength during the thinking and writing processes of this thesis.

Abstract

This thesis investigates the link between the Dutch asylum procedure and citizenship. This is done through a policy analysis, for which explorative expert interviews were the basis. Historical trends, relevant developments and practical outcomes are discussed in order to illustrate the current situation of the Dutch asylum space. It is concluded that this space has increasingly grown into a state of exception over the past years due to securitisation within migration and asylum policies. Statelessness is a form of rightlessness that is also found in the asylum space. The concept is used here as a state of being in which one experiences barriers to gain rights. Researching the asylum space through a statelessness lens, revealed elements of the stateless condition. This is often due to the inaccessibility of citizenship or nationality for asylum seekers. This comes to light in the asylum space in, for example, the track policy and the documentation requirements for formal identification. This study concludes that statelessness can be understood as a general condition in the Dutch asylum space.

Contents

List of frequent abbreviations

AA	Algemene Asielprocedure	General asylum procedure (since 2010)
AC procedure	Asielprocedure	General asylum procedure (until 2010)
ACVZ	Adviescommissie voor Vreemdelingenzaken	Advisory Committee on Migration Affairs
AZC	Asielzoekerscentrum	Asylum seekers' centre
COA	Centraal Orgaan opvang asielzoekers	Central Agency for the Reception of Asylum seekers
DT&V	Dienst Terugkeer en Vertrek	Repatriation and Departure Service
EU		European Union
FMMU	Forensisch Medische Maatschappij Utrecht	Forensic Medical Service Utrecht
IND	Immigratie- en Naturalisatiedienst	Immigration and Naturalisation Service
ISI		Institute for Statelessness and Inclusion
NOvA	Nederlandse Orde van Advocaten	The Netherlands Bar
PIVA	Programma Invoering Verbeterde Asielprocedure	Program for Implementing Improved Asylum Procedure
SDP		Statelessness Determination Procedure
UDHR		Universal Declaration of Human Rights
UN		United Nations
UNHCR		United Nations High Commissioner for Refugees
VW	VluchtelingenWerk	
Vw 2000	Vreemdelingenwet 2000	Dutch Aliens Act from 2000

1. Introduction

The need to belong is human nature (Yuval-Davis, 1999). Since *Homo sapiens* established permanent settlements, cultural differences between communities have been distinguishable. This relates to the concept of identity, which is constructed within the place of birth and through the people related to it (Malkki, 1995). To structure these communities, we have created a system of nation-states. States generally need to be mutually recognised as equal entities. Within these states, governments are sovereign. In law, identity is shaped by citizenship. One's citizenship implies being a citizen of a particular nation-state. It guarantees rights and determines which government is obliged to provide those rights (Cambridge Dictionary, n.d.; Stanford, 2017). Someone's citizenship can be based on *jus sanguinis* (inheriting parents' citizenship), or on *jus soli* (being born on the territory), which form is implemented, is chosen by nation-states themselves (Castles et al., 2014; Gubena et al., 2017). Having a nationality and state protection are fundamental basic rights according to the Universal Declaration of Human Rights (UN, 1948).

The increasing opening of borders and globalisation resulting in travel and migration movements, has challenged nation-states to provide legal rights and to enforce obligations that national citizenship contains (Tambini, 2001). Questions regarding the meanings of citizenship and nations have emerged due to growing transnational migration on a great scale (Leitner & Ehrkamp, 2006). It has become apparent that citizenships are not universal.
One situation in which such differentiation between people can be observed, is at national borders. It often takes much time for officers to determine whether an alien is eligible to receive any form of asylum or residency. This is related to the fact that individual differences are considered during this process (UNHCR, 1979). Consequently, asylum seekers may have to wait in a temporary asylum space. In practice, this is often an asylum seekers' centre, also named "camp". Camp is a concept used in this thesis as a metaphor for the asylum space. Since camp spaces and asylum spaces are both designed by specific laws, it will be researched whether there is a "state of exception". A potential consequence of living and waiting "in limbo", is deprivation of one's right to have rights. This indicates a loss of security, normally provided by the universality of human rights (Ramadan, 2009; Arendt, 1951; Agamben, 1995; Diken, 2004; Hanafi & Long, 2010).

One relevant issue raised is the matter of statelessness. Being stateless formally means one has no citizenship and thus does not have a recognised nation-state that protects this individual under the operation of its law (UNHCR, n.d.a.). This thesis takes a broader perspective on the term. Merely the notion of statelessness will be used to exemplify the experiences of barriers to the right of citizenship. Statelessness causes a protection vacuum, which threatens people's security (Loescher & Milner, 2006). Therefore, it creates a hierarchy of rights between people. As an illustration of this created differentiation, formally stateless asylum seekers will be used as an excessive example. They characterise a subgroup exposed to even more rightlessness than general asylum seekers. For this subgroup, a distinction can be made between stateless persons *in situ* (residing in a country with which they have meaningful ties) or in a migratory context (Vlieks, 2017). This research focuses on the latter group, since it investigates the conceptualisation of statelessness in asylum. Understanding statelessness in the migration context is crucial because displacement is often a cause of troubled and unclear protection responsibilities – which can lead to a lack of rights.
Statelessness can be experienced as a form of rightlessness. This rightlessness could be detected more broadly in the condition of asylum spaces, being unique places. Because of these similarities between statelessness and asylum, the concepts are connected. Conceptualising the asylum space as a potential place for rightlessness will help shed light on how statelessness can lead to a lack of rights.

1.1 Societal relevance

The cosmopolitan ideology of free movement in Europe, brought into practice through Schengen, has recently come under pressure (Van Houtum, 2010). Adjustments in European border policies are being made and it seems Europe acts upon migration issues more than ever. Accordingly, the demographic movements from Middle-Eastern and Northern African countries towards Europe are a relevant and current topic. European external border policy is getting stricter, seemingly as a result of the "refugee crisis" since 2014 (Esses et al., 2017; Fakih & Marrouch, 2015; Hristova, 2017). An example is the establishment of a "Trumpian Iron Curtain" at the Greek-Turkish border to keep migrants outside the European Union (EU) (Vermeulen, 2021). Increasingly, refugees and migrants are perceived threats to Europe; this has become a debated issue in politics and amongst the public. This has contributed to the development of securitised migration policies, which complicates the admission of new migrants and refugees (Esses et al., 2017).

The concepts of citizenship and statelessness have been complex issues in migration since the 20th century (Arendt, 1951). This is related to the free movement ideology and globalisation facilitating travelling. Citizenship and statelessness became important matters around the time of the two World Wars (IOM, n.d). When refugee movements emerged on an unknown scale, no European country welcomed these persons unconditionally (Polman, 2019).

It is important to understand the formal definition of statelessness in general for two reasons. Firstly, statelessness results in practical problems; approximately 10 million people (UNHCR, 2019) do not have access to go to school, to see a doctor or to get a job because they are denied citizenship. This is not only undesirable for individuals, it also affects society as a whole in terms of homelessness and economic disparity, for example (UNHCR, n.d.c). Secondly, the rights of stateless people are unclear; as they do not have a nation-state that protects them, it is often vague who is responsible for the security of their human rights (Van Waas, 2016). Since nation-states themselves determine who their citizens are, legalities and policies regarding this differ (Gubena et al., 2017). In this research, this will appear to be problematic, because stateless people may experience rightlessness while every person is ascribed certain rights. The United Nations High Commissioner for Refugees (UNHCR) claims it is important to work together between countries and with United Nations (UN) agencies, in order to establish the most effective solutions to address statelessness (UNHCR, n.d.a.).

This research links the right to citizenship and the issue of statelessness to asylum. Understanding this connection is significant for two reasons. Firstly, a main cause for the vulnerability and lack of rights inherent to statelessness, is created by forced displacement or migration (EMN, 2016). Secondly, considering migrants travel between places and that some of them, such as war refugees, need extra protection as they flee conflicts, the protection and security of their human rights is of utmost importance (UNHCR, n.d.c.). During or after migration, it is determined at border control which nation-state is responsible for protection. Citizenship is thus of critical importance. Assuming that a relationship between citizenship and asylum is essential for the security of rights, it is important to realise to what extent one's citizenship is significant in asylum trajectories. Consequently, this thesis looks at asylum seekers as a group, and focuses in particular on those asylum seekers who are also formally stateless – whether determined or not. The latter is namely already susceptible to rightlessness.

With more knowledge of links and interactions between these concepts, suggestions could be given for alternative asylum, citizenship and admission procedures. This will form the practical part of this thesis, from which asylum seekers and involved actors may benefit. Asylum and travel procedures could be made more appropriate per case. This might lead to more equality in people's security of rights and stimulate effectivity and adequacy of asylum policy.

1.2 Scientific relevance

Much research has been done on the concepts of citizenship and state(lessness) (Arendt, 1951; IJRC, n.d.). There are even institutions established to research and support stateless people. Examples are the Peter McMullin Centre on Statelessness, which is part of the University of Melbourne, a non-profit organisation called The Canadian Centre on Statelessness, and the European Network on Statelessness (Canadian centre on statelessness, n.d.; statelessness.eu, n.d.; unimelb, n.d.). The homepage of the European Network on Statelessness heads with a quote of the UN: "Everyone has the right to a nationality" (OHCHR, n.d.; statelessness.eu, n.d.). This already shows a common flaw in research on citizenship; having a nationality does not automatically imply one has citizenship (i.e. not being stateless) (Gallissot, 2000; McCrone & Kiely, 2000; S.W.L., 2017). These terms should not be used interchangeably and should be well-defined when researched.

Moreover, there is a lot of scientific research on the laws and rules concerning migrants' and refugees' rights (Arendt, 1951; Agamben, 1995; Diken, 2004; Hanafi & Long, 2010; Loescher & Milner; 2006). Within the current nation-state system, a person without citizenship is basically rightless. Research done by Agamben on the "state of exception" and "bare lives" has been oftentimes referred to. These concepts describe the deprivation of law and rights in certain places (Agamben, 1995; Agamben, 2003). Diminishing laws and rights can, for example, be a result of the proclamation of a state of emergency. According to Agamben (2003), this leads to the extension of power by a government or other authorities with two results. Firstly, authorities can do whatever they want since a state of emergency is declared, thus can act outside their own laws. Secondly, they can weaken people's rights. Both consequences lead to insecurities of rights and safety, and exclusion from the political system (Agamben, 2003; Tuastad, 2016). More explanation on this and the notions of "biopower" and "biopolitics" can be found in the theoretical chapter.

Asylum seekers are extra susceptible to these states of exception for two reasons. First, they are dependent on travel admissions, so laws and rights in asylum spaces influence their protection. When legalities concerning access are diminished due to a "state of crisis", it becomes unclear how and when they are able to travel further and who protects them in such cross-border situations. Second, since asylum seekers travel through countries following a trajectory, security of their rights is a special issue due to variations in laws and rules. Both reasons lead to dependency on citizenship for access to security. Citizenship is thus seen as a basis for security of rights. A third layer can be added for the formally stateless. Whether they are crossing borders or not, they are situated in a position of lawlessness already.

This research connects security on one side to asylum spaces and on the other to coverage by citizenship. In spaces like asylum, there exists a particular risk to evolve into such a state of exception. This is why a parallel will be drawn between the notion of statelessness and the condition of the asylum space. The added value of this perspective is that the concept of rightlessness brings the exceptionalised asylum space into practice. This way, insights can be provided into the reasons and shapes of the experience of statelessness by many asylum seekers in the Dutch asylum space.

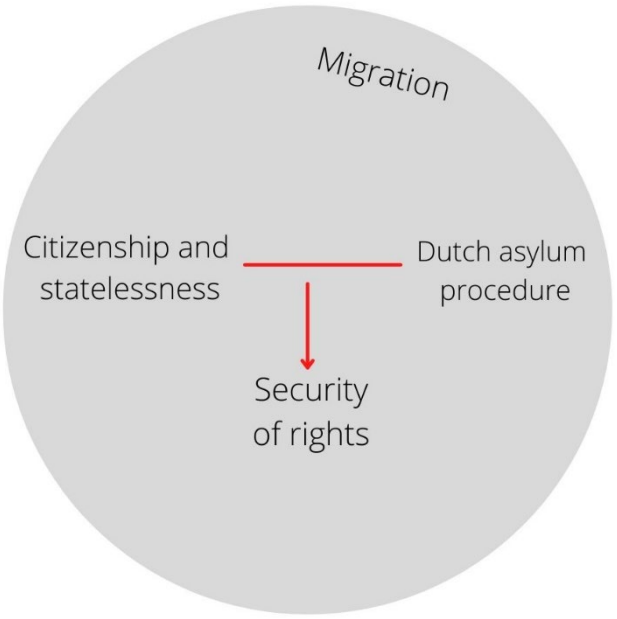
Academic debates regarding A) citizenship and security, B) conceptualisation of statelessness, and C) asylum spaces as states of exception, can be found in the theoretical chapter.

1.3 Problem statement and research question

The relation between the asylum procedure and citizenship is important to investigate on two levels. Firstly, when asylum seekers are identified, their citizenship is being investigated because it determines which nation-state is responsible for protection. This means citizenship is crucial for security. Secondly, considering migrants are dependent on travel possibilities, it is assumed that the legalities of the places they travel through (and thus political rights and regulations) are of high importance. Due to a potential state of exception, asylum seekers may be exposed to insecurity – or unsafety even. This could create an experience of statelessness.

This problem statement leads to the following question:

"How do statelessness and the Dutch asylum procedure relate?"



2) A schematic overview of the relationships between the main concepts (Van Buul, 2021).

This research question is divided into three concepts (see fig.2). Citizenship is the product of national laws and the international system of nation-states. Since citizenship and nationality laws identify citizens, they also exclude people in essence. This results in statelessness. Next to this, the Dutch asylum procedure is looked into as a judicial example that uncovers the concept of statelessness. This scope demarcates a specific research area of which the researcher had prior knowledge. An additional benefit for the practicality of this research was the absence of a language barrier. The connection between citizenship and the Dutch asylum space is embedded in the context of migration. It is researched how the asylum procedure (re)produces statelessness by analysing security of rights. This is done by gathering information from the field, via actors currently working in the asylum chain. This method of shaping the field conforms to the theoretical assumption that practices constitute human beings. This way, both the current situations of citizenship and the asylum procedure, are illustrated. The objective is to gain understanding of how the condition of statelessness is shaped in the Dutch asylum procedure.

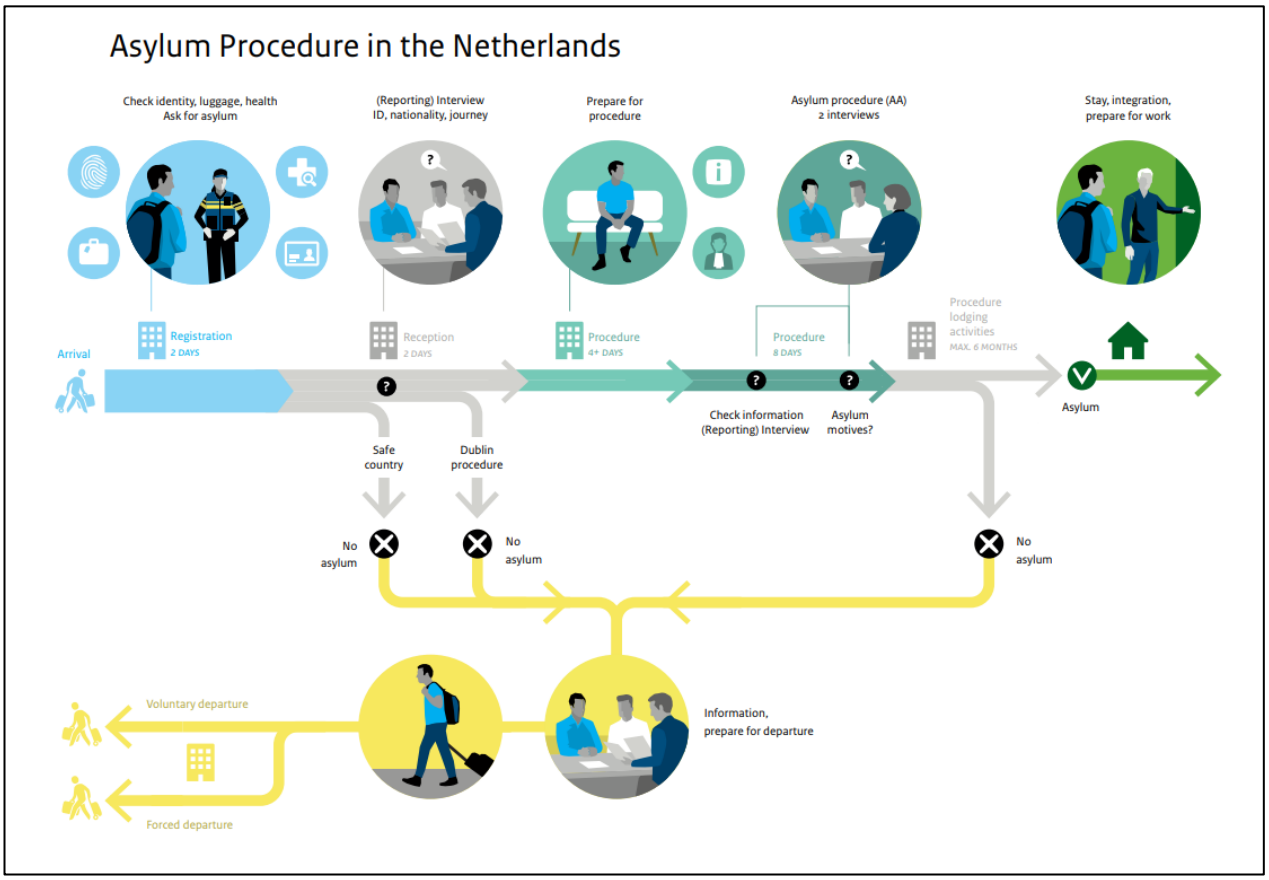
It should be noted that the specific subgroup of the formally stateless is described next to the general example of statelessness. As explained before, they may experience double rightlessness in this asylum situation, meaning it is an excessive example.[1]

1.4 Context

This section shortly describes the migration context of this research. In this case study, this context is in the embodiment of the asylum procedure in the Netherlands. The descriptions below are based on expert interviews (numbers 2, 4.1, 5.1 and 8), the website of the Immigration and Naturalisation Service (IND) and the Central Agency for the Reception of Asylum seekers (COA) (COA, n.d.; IND, n.d.a). This means this information is based on policy and not on practice.

[1] In this thesis, *stateless(ness)* is used in a conceptual way. Thus, this refers merely to the condition of statelessness instead of indicating formally determined statelessness.

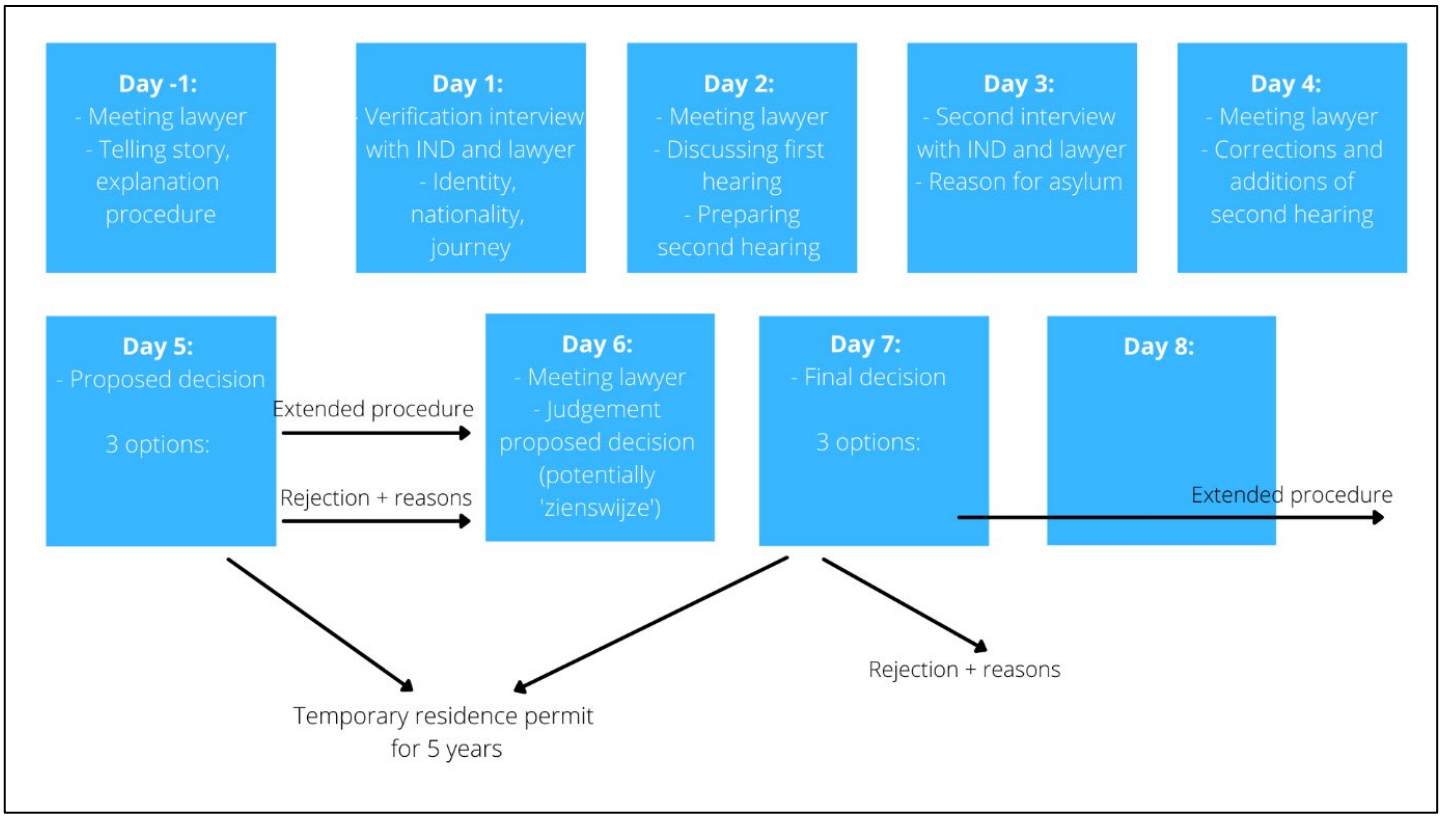
When arriving in the Netherlands, asylum seekers must apply for asylum in the application center (ac) in Ter Apel. Only when arriving by plane, application can be done at Schiphol. Application implies filling in a form with personal data and taking fingerprints at the Alien's Police. Within two days, sometimes on the same day, a physical and mental medical check is done by the Forensic Medical Service Utrecht (FMMU) and the first hearing ("reporting interview") takes place with the IND. Directly afterwards, the IND applies its track policy. It will be explained further in this research what this entails exactly. At least it implies that certain applicants are filtered out. These asylum seekers will not get a procedure and have to leave the Netherlands within four weeks. During these weeks, they will be granted housing by COA.



3) Infographic of the Dutch asylum procedure in short (IND, n.d.).

All the other asylum seekers are brought to a Central Reception Centre ("centrale opvanglocatie" or COL) after three days. When it is time to start one's procedure, an asylum seeker is brought to a Process Reception Centre ("proces opvanglocatie" or POL). Here, people can rest and prepare for six days. They receive information about the asylum chain and its institutions from VluchtelingenWerk (VW). VW also conducts Refugee Story Analysis ("vluchtverhaalanalyse" or VVA) in support of the asylum seeker. This is also when the first contact moment with an assigned lawyer takes place. After these six days, the General Asylum procedure ("algemene asielprocedure" or AA) takes place in the POL. If this location is not the same as where the asylum seeker stays, (s)he can be brought by busses five or eight days in a row (depending on the proposed decision on the fifth day). A schematic analysis of the current 8-days procedure is outlined below.

4) The General Asylum Procedure (AA) of eight days in the Netherlands (Van Buul, 2021).



After the AA, there are three possibilities. One; the IND needs more time to figure out one's asylum story and/or nationality. The case will be brought to the Extended Procedure ("verlengde asielprocedure" or VA). A person will be brought to an asylum seekers' centre ("asielzoekerscentrum" or AZC) for maximum six months in which the IND has to decide. Two; an asylum seeker receives a temporary residence permit for five years. In this case, the asylum seeker will be housed in an AZC for maximum six months before being granted a house. Guidance for integration activities is provided by COA and VW. Three; the IND rejects the asylum claim. The asylum seeker will be housed in an AZC for four weeks and prepared for return. A person can be placed in a detention centre when IND expects this person would not return voluntarily.

1.5 Structure of the thesis

The structure of this thesis is as follows. Chapter two outlines the theoretical framework, discovering academic debates on the main concepts and connecting these with each other. This described the theoretical addition of this research. The third chapter justifies methodological choices made for carrying out this research. Chapter four and five together cover analysed data, initiating with historical policy trends and specifying into the conceptualisation of statelessness in the Dutch asylum space. The sixth chapter provides concluding remarks, after which chapter seven critically assesses the choices made in this research and gives recommendations for future research.

2. Theoretical framework

This chapter defines and connects the relevant concepts and theories of this thesis. The research question of this thesis, *"How do statelessness and the Dutch asylum procedure relate?"*, is broken down to its theoretical basis. This framework mainly contributes to relating statelessness literature to sovereignty literature, in the context of asylum procedures and migration policies. The theoretical debates were found in academic literature on statelessness and nation-state logic. On the intersection of the concepts of statelessness and the Dutch asylum space, the extent to which securitisation, and therefore exceptionalisation, is leading in the asylum space will be explored. In order to investigate this relatedness, the theoretical concept of state of exception is used. This means the question "*To what extent can the Dutch asylum space be understood as a state of exception?*" will be the theoretical addition of this thesis.

2.1 Citizenship and security

This section investigates the direct connection between citizenship and security. It is examined how citizenship is seen as an (inter)national concept, and how this is affected by sovereignty. The conventional relationship between state and nation is challenged by increasing international migration (Castles et al., 2014). This has made it necessary to guarantee legal security for refugees and asylum seekers explicitly in international law. This section explores the relationship between citizenship as an (originally) national concept and security as an international one.

Citizenship is linked to identity in the first place. This term is often used interchangeably with nationality, but the two are not the same[2]. Nationality is a racial or ethnic concept, resulting from someone's place of birth and often refers to a common culture or identity. It is always innate, therefore it cannot be changed. Basque or Scottish nationalism is an example of this (Maíz & Requejo, 2005). Citizenship is a more narrow term, resulting from legal procedures and is acquired by law. It grants a person certain rights and responsibilities. Basques or Scots need Spanish, French or British citizenship in order to gain legal rights and security. (Castles et al., 2014; Stanford, 2017; S.W.L., 2017; UNHCR, n.d.d). It is essential to understand that nations and states are not the same. A nation is "a community of people, whose members are bound together by a sense of solidarity, a common culture, a national consciousness" (Seton-Watson, 1977, p.1), whereas a state has, next to a particular population and government, also recognised sovereignty over its territory (Convention on the Rights and Duties of States, 1933). Logically, a nation-state is a political unit with these characteristics combined. Citizenship embodies the link between the two, therefore it is the judicial concept identifying the people belonging to a nation-state.

In the EU, citizenship is also regulated on a supranational level. This provides for example every EU citizen with the right to live and move within the EU freely and to vote in European and national elections of the country you live in – under the same conditions as nationals of that country (EU, n.d.). It is unique that extra rights and responsibilities exist on top of national ones. Binding EU policies and regulations determine national ones (European Commission, 2019). This shows how a multidimensional perspective is brought into practice. This research touches the macro level (international security regulations regarding migration), narrows down to a meso level (domestic laws and rights of citizenship and the issue of statelessness), and then focuses on a micro level (individuals may risk loss of security of human rights). So, policies on migration and citizenship regulated on multiple levels, influence the security of rights of people in asylum procedures (Scholten & Penninx,

[2] This thesis seeks to use the correct term at the right time. When referring to sources, the concept of citizen(ship)/national(ity) as stated in the source will be adopted. This might not reflect the academic definition in that particular context but the author has chosen to use the terms this way to show the controversy and confusion of the usage of the terms and their definitions.

2015; Panizzon & Van Riemsdijk, 2018). The following paragraphs will describe shortly how security of human rights is managed on multiple levels.

System of nation-state blocks

19th and early 20th-century international law theorists claimed the independence of a state directly correlates with the right to grant or refuse citizenship (Spiro, 2011). Such laws would be "[…] exclusively subject to the internal legislation of individual states. […]" (Rundstein, at the League of Nations Committee of Experts for the Progressive Codification of International Law, 1926). Citizenship was practiced through interests of states, at that time, which together shaped an international system of sovereign blocks. Sovereignty is an important concept in citizenship and nationality law, since every nation-state has the rights to determine who its citizens are and what this implies. Such identification would be in a government's interest (Bosniak, 2006). This relates to the fact that legal instruments controlling this, shape our 'order of things'. This construction in which nation-states are organising blocks shaping the world is maintained by instruments like border security and passports, in order to structure the world (Malkii, 1995).

Security of human rights provided by nation-states

Citizenship is also a societal concept. As national governments establish rights for their citizens, people's daily lives are affected (Anderson et al., 2014). Although the Universal Declaration of Human Rights embodies the basis of this for all human beings, security of human rights is effectively provided via nationality and citizenship laws (Bauböck & Paskalev, 2015). This is problematic in two ways. Firstly, nation-states create their own citizenship laws, so included rights and obligations differ. This can lead to internal discrimination, gradation in security or exclusion of specific groups (Bauböck & Paskalev, 2015). Secondly, in our globalising world transnational migration causes friction for people on the move when protection is only granted by citizenship (McDougal et al., 1974). The huge diversity in citizenship legislation and statelessness regulations can be detected in border contexts (Foster & Lambert, 2016). With the focus on migration in this thesis, the emphasis here will lie on the latter consequence.

The relationships and cross-border movements between these nation-states have created non-citizens that do not fit the system. In the process of constructing the Universal Declaration on Human Rights (UDHR) the need was felt to identify nationality and legal status of, for example, refugees. Therefore, the right to nationality and the right to asylum were adopted in the 1948 Declaration (UN, 1948). However, barriers to citizenship still determine which desired process non-citizens should go through in order to become a citizen. Van Brussel (2009) clarifies citizenship as an exclusive practice. Physical, social and cultural borders always separate citizens from non-citizens – and they do this differently in every nation-state. Bosniak (2006) describes that when aliens arrive in a new territory, their community membership is being discussed as a continuum.

In practice, the absence of a nation-state or its effectiveness thus indicates a certain rightlessness. Persons fleeing or migrating cannot hold the nation-state in which they reside accountable for their protection of rights – especially the formally stateless who might never had a recognised nation-state. Arendt even claims that when people cannot ask for protection by their governments, "Rights of Man" become unenforceable (1958, p.293). This can result in discrimination or exclusion in the context of migration. It is a direct outcome of nation-states constantly defining members and non-members. According to Zeveleva (2017), this happens in particular when people leave or enter territories.

Conventions to guarantee rights

Conventions are agreements between nation-states, as outlined by the Treaties of Westphalia in 1648 (Coggins, n.d.). It is clear that providing human rights through citizenship has consequences.

Considering that migrants, refugees and asylum seekers travel across borders, regulations on travel admission, visas and protection are managed internationally for these groups in an attempt to prevent the potential of rightlessness. The internationally agreed rights should mostly be provided by the nation-state a person resides at that moment. The three Conventions exemplified in this thesis, are practical outcomes of the implementation of the UDHR.

At first, the rights of refugees and asylum seekers were established in the Convention Relating to the Status of Refugees (UNHCR, 1951). In 1954, the Convention relating to the Status of Stateless Persons was adopted to specify rights and needs of this group. The 1954 Convention intends to provide stateless people a minimum of human rights, including the right to receive travel documents[3] and education[4] (UNHCR, 1954). A significant objective of the 1954 Convention was to officially identify stateless people (i.e. "not recognised as a national by any state under the operation of its law"[5]). At that time, increasing numbers of people were crossing national and regional borders. This led to complexities and confusion regarding rights and protection, making this objective internationally essential (Arendt, 1951). In 1961, the Convention on the Reduction of Statelessness was implemented for additional practical safeguards against statelessness by birth and *in situ* (UNHCR, 1961). The two "Statelessness Conventions" are foundational for the international framework on statelessness.

Although these guidelines were meant to apply universally, sovereignty remains powerful in implementation. When nationality and citizenship regulation became part of international law and with increasing flows of people crossing borders at the same time, gaps and practical problems created by those regulations, appeared. UNHCR (2008) acknowledges this and is working on analytical frameworks to identify gaps. The aim is to diminish differentiations between nation-states in security of rights. The following paragraphs shortly describe two struggles that are important to emphasise in order to show the non-universality of the Conventions.

Diversity of interpretation and implementation

The first issue is the variety of interpretation and implementation of the Conventions. It starts with the fact that the implications of being a national, which is a person who should receive protection of its nation, is determined by every state's laws separately (UNHCR, 2012). The universally recognised definition of a stateless person has been interpreted in many different ways as well. For example, the part "[…] under the operation of its law" has been understood as being both a question of fact and law (ISI, 2014, p.40). This means the current variety in laws of national citizenship and statelessness evoke difficulties and confusion when people cross borders (Foster & Lambert, 2016). Regarding these concepts, migrating and fleeing could lead to insecure situations because asylum seekers and refugees are not protected by a national government from their place of origin (Bloom, 2013; Foster & Lambert, 2016; UNHCR, 2016). Therefore, these theorists propose more cooperation and consistencies in laws across nation-states.

Regarding the notion of statelessness specifically, variations appear in its definition and strategies to address it. It depends on the perspective of international law to what extent this could create obstacles. When viewing the world as a system of nation-state blocks, the impact of international law is described as relational and co-creational, not as predominant. This means every government can govern its territory and population the way it wants. However, this perspective has become untenable since all that citizenship excludes, is an international problem. Laws regarding acquisition and loss of nationality differ, making conflicting nationality laws a relevant cause of statelessness (ISI, 2014, p.23). Another problem is that the variety of definitions of a national or a stateless person results in lack of

[3] Article 27 and 28, Convention relating to the Status of Stateless Persons (1954).
[4] Article 22, Convention relating to the Status of Stateless Persons (1954).
[5] Article 1, Convention relating to the Status of Stateless Persons (1954).

adequate data. For example, eight years ago 1.951 persons in total were registered as stateless in the Netherlands, but the real number is likely higher due to the lack of an identification procedure (ACVZ, 2013a). Also divergences in methodology when mapping statelessness contribute to deficient and faulty data. The full picture is not always revealed, making it difficult to cope with statelessness.

Commitment problems

A second problem of the three Conventions would be serious commitment of nation-states. Some scholars claim we need more strictness and an improved international control system in order to check all the rules and policies (Bloom, 2013). Every nation-state can decide for itself to what extent it prioritises these Conventions and its implications, depending on financial and cultural factors. According to Bloom, the problem with conventions like these, is their ambiguousness and non-binding character. Molnar (2014) confirms this results in limited effectiveness. Not only does he notice a low overall number of ratifications, he also sees the difficulty in identifying stateless persons (p.848). The vagueness and lack of details in order to leave each state with its own implementation has resulted in soft law. According to Molnar, the norms are "quite laconic" since almost all of them are legally non-binding (p.839). For those reasons, UNHCR (2008) has created a framework to improve refugee and asylum seeker protection by state accountability. This supports host countries in meeting protection requirements and standards.

2.2 Asylum space

Asylum procedures are products of judicial legislation. Considering they are located at border and transit zones with the aim to regulate and control who goes in and out, people in the asylum procedure are subject to national explicit laws and rules (IJRC, n.d.). Before entering or leaving society, persons are situated in a demarcated place since they need permission to go either way. Camps are a common example with these characteristics.

Camps often serve as nodes within migration trajectories as they are places where people cannot travel further freely. Camps are not just surrounded enclaves, bound to a territory and ruled by static settings; rather they are spaces in which parties can act because they conform to certain principles and norms (Spearin, 2001). The notion of camp will be used in this thesis as a metaphor for such spaces – in this case focused on asylum spaces. For this research, this perspective is more appropriate than viewing camps as fenced, physical places.

This perspective can be extended to the practice of refugee accommodations (asylum seekers' centre or AZC in Dutch) and asylum processes in European cities. Although it may seem these places are at least geographically integrated in society, Kreichauf (2018) detects a "campization" because of the increasingly closed character in combination with lowered living standards. This means asylum centres not located at borders increasingly resemble refugee camps because of stricter asylum and reception laws. This contributes to phenomena like exclusion, containment and exceptionality. The socio-spatial geography of the camp is created by all its present actors. Therefore, to analyse the asylum procedure as a camp space, also called "asylum space", relationality is emphasised throughout this thesis. This can help to clarify how involved people interact with their environment and each other. This perspective will mainly be used in the understanding of how the asylum procedure conceptualises citizenship and how this affects security.

2.3 State of exception

The background of the main theory will be the sociology of space and model of state sovereignty. Following the sociology of space, an attempt is made to understand social, institutional and material practices of places and spaces. A space is merely abstract, while a place refers to a specific part of a space (Saar & Palang, 2009). Sociology of space within human geography assumes that the relevance of a place depends on how humans relate to it. Thus, in this case, the impact of citizenship status on

the security of one's rights depends on the relevance someone attaches to it. Embedded within this, is the theoretical starting point of this thesis; Agamben's theory of biopower and refugees, and the state of exception.

Agamben theoretically defined the concept of state of exception in his book in 2003. As explained before, extended power of authorities resulting from a state of emergency can result in diminishing rights and safety, and political exclusion (Agamben, 2003; Tuastad, 2016). Eventually, a state of exception can thus result in deprivation of law and rights of individuals who are present in a particular place (Agamben, 1995; Agamben, 2003). Agamben concludes this is dangerous and insecure because human rights are no longer protected.

This thesis will apply the notion of state of exception to asylum spaces. Camp and asylum spaces are exceptional judicial arenas, being subject to specific laws (Ramadan, 2009; UNHCR, n.d.b.). The underlying assumption is that the Dutch asylum procedure can be viewed as a "state of exception" to a certain extent. This refers to "a no-man's-land between public law and political fact" (Agamben, 2003, p.1). Practical elements and outcomes of this will be investigated in the context of the Dutch asylum procedure.

Biopower and bare lives

When people experience such kind of political exclusion, bare lives might emerge. The notions of biopower and bare lives, of which Foucault laid the basis, are explained below. Similarities and differences between him and Agamben are explored. In the end, Agamben's explanation for biopower and bare lives will be used, which contrasts with Foucault's.

The notions of biopower and bare lives can link the possible hierarchy in security of rights to states of exception. To put it differently, diverse levels of bare lives (in this case based on citizenship status) can be illustrated when these are present on the individual level.
Foucault laid the basis for the concept of biopower. He described this as a practice nation-states use to control their citizens, doing this increasingly in modern times (Genel, 2006). It refers to administrative mechanisms aimed at documenting biological characteristics of the population (Foucault, 2010, p.246). Foucault claims states do everything in their power to give their citizens a qualitative good life, therefore hindering everything that "must be killed". In that case, war, violent actions and other illegal or inhumane practices are legitimised when these threaten citizens' lives (Foucault, 2010). Biopower differentiates people and decides who are primary and who are secondary subjects; therefore citizens and non-citizens (Zeveleva, 2017). Agamben (1995) opposes the sovereignty part of Foucault's argument; he argues sovereign power and biopower were always integrated since sovereignty is conceived from determining what or who is included in the political body (Genel, 2006; Snoek, 2010). Therefore, biopower, in which the state uses bare lives for policies and research, would have existed since the beginning of sovereignty (Agamben, 1995). Biopower is the ideology of life that creates a division between those who can live (Bios) and those who have bare lives (Zoe). A state actively identifies bare lives, which are to be transformed into "good lives" of "political beings". Thus, natural bare life can be transformed into good life through politics. This simultaneous process of inclusion (through identification) and exclusion of bare life was identified by Agamben in Aristotle's writings already (Agamben, 1995). Agamben (2000) explains bare life as a notion of life in which the simple biological element is being prioritised over the quality of life; even though Foucault does not use the "bare life" concept, his notion of biopower implies the same practices.

It becomes clear that biopower separates individuals and makes distinctions in order to identify who are subjects and thus deserve protection. It is important to note that for Agamben, bare life is present

in any political entity. Bosniak (2006) illustrates how statelessness results in hierarchy in civil rights because the process of (not) appointing citizenship relates to inclusion as well as exclusion. While demarcating a 'safe haven' for a community named citizens or nationals, others are excluded as aliens. And aliens are denied civil rights, because they are non-citizens. Bosniak (2006) questions the relevance of these borders for liberal democracy and its legitimacy. Once an alien has arrived in a receiving society, (s)he "ought to be subject […] to the rules and norms governing community residents, regardless of immigration status." (p.123). Therefore, the person is already subordinated and this caste-like stratification among societal groups (p.37) violates in essence the basis of equality of liberal democracy. Bosniak (2006) questions how far discrimination of aliens can go as a legitimate implementation of citizenship policy, and where the boundary of sovereignty lies.
This statement conforms to the conclusion of Zeveleva (2017), who claims exclusion of 'different' people normalises racism. No matter a person's status, as a migrant they will always be seen as non-citizens. This is what justifies the interpretation of statelessness of this thesis.

Deprivation of rights in camp spaces

The essential question in the matter of exceptionalisation, is whether camp spaces are states of exception *and therefore* if deprivation of rights happens as a result. Because camp spaces are seen as an example for the state of exception in asylum, this paragraph focuses on camp case studies. Two clear perspectives can be distinguished in this well-known debate. Discussions on whether lawlessness is being legalised and normalised in such spaces are ongoing.

The first group of theorists argues deprivation of rights happens in camps, simply because camp spaces are states of exception (Agamben, 2003; Diken, 2004; Hanafi & Long, 2010; Loescher & Milner, 2006; Ramadan, 2009; Zeveleva, 2017). The main claim of these authors is that camp spaces are excluded from national laws and the political system as a whole. National sovereignty cannot be enforced as it can in non-exceptional spaces, like cities and rural villages. The notion of the camp space in essence implies present actors can operate in whichever way they like; the only boundaries are international exceptional laws, which are mainly founded on humanitarian principles (Spearin, 2001).
The risk of camp spaces being states of exceptions, is that protection of human rights and dignity becomes difficult. In that way, odd and dangerous situations can appear like the urbicide in Nahr el-Bared camp in Lebanon (Ramadan, 2009). Another example is the ending of support payments, to which the refugees in Hanstholm Refugee Center, Denmark, should have legal access to, when they refused to engage in Danish language classes (Diken, 2004). It is the blurred line between law and unlaw that legalises exceptional lawlessness. Campbell (2002) describes how Camp Woomera in Australia seems anything but an Australian place. Suicide attempts and protests make the camp seem like a 'war zone', according to the working staff. The hybridity between legality and illegality defines in essence the state of exception (Campbell, 2002; Diken, 2004).
The biological reduction of refugees' lives, as assumed by Agamben (2000), is endorsed in the case study of Zeveleva (2017). She describes in her research how special ID cards are essential in the camp of Friedland, Germany, though only suitable inside the camp itself. "This is a physical reminder that the asylum seeker has been reduced to "bare life" – the woman is not a political or social being, but a biological entity whose identity exists only within the camp […]" (Zeveleva, 2017, p.53). The cards show the connection between basic needs and time passing by when waiting, in which this specific identity is reduced to only this location. As a consequence, these people are deprived of any possibility of action. They are of no use for the sovereign power, because they are legally outside the political system. According to Agamben (2000, p.18-19), the notion of refugees shows human rights are useless in the sense that for these people "the rights have lost their human characterisation, being mere biological life deprived of any quality".

The described assumed reduction to bare lives is the main distinction on which this scholarly debate relies. Opponents claim we should not victimise people in camp spaces and degrade them to inhuman naked objects (Holzer, 2013; Kreichauf, 2018; Platania, 2019; Tuastad, 2016). These authors do indeed recognise the exceptionalisation and exclusion of camp spaces, but say that to claim the people living there are reduced to bare lives would be irrational (Platania, 2019). The main counterargument here is that people in camp spaces certainly do have some kind of agency. Platania describes in his case study of the Sicilian camp CARA, how a new theory of victims would be more appropriate since a victimisation approach denies migrants' agency. Migration in essence changes existing power relations, therefore it should be examined in its autonomous essence. With his thesis founded on Laruelle's theory of victims, Platania explains how he understood people in camp spaces on the same level as himself, instead of "an object of pity, lamentation, memory" (Laruelle, 2015, p.30 *cited in* Platania, 2019). Also Holzer (2013) confirms people facing permanent insecurity in camp spaces are "engaged extensively with several different facts of the law" (p.837). Tuastad (2016) shows how inhabitants of Palestinian camps in Lebanon indeed experience a state of exception, but they are definitely not helpless. These people have access to political organisation, though this participation may not have developed into completely legitimate structures.
Platania (2019) explains why imposing Agamben's bare life discourse on refugee camps is inappropriate. "Remnants of Auschwitz" (Agamben, 1999), in which the notion of bare lives in camps is described for the first time, is completely based on concentration camps. Within those places, people definitely had no agency; it would be unfair to apply this to contemporary refugee camps in which residents always have the possibility to resist.

As asylum spaces may be states of exception in which power of authorities could be extended, the notions of biopower and bare lives will be integrated. These concepts will be connected to the position and experience of statelessness. Using these will help researching how authorities separate asylum seekers from their own citizens. Eventually, these people might experience deprivation of rights or even bare lives. Since asylum seekers are, to a certain extent, dependent on the rules and laws that their trajectories are affected by, this notion of a potential state of exception is important to research.

2.4 Perspectives on statelessness

Statelessness is a formally and universally described concept, however discussion exists on what it means in practice and what its effects are (ISI, 2014). Four issues with citizenship can be described (Gubena et al., 2017; UNHCR, n.d.a.). Firstly, since citizenship can be acquired in two ways, jus sanguinis and jus soli, these two may conflict in some cases. This can be the case when people with citizenship derived from territory move to a country where jus sanguinis is applied, and have children afterwards. Secondly, gaps in nationality laws may generate incorrect execution of law. Thirdly, the eradication or foundation of a nation(-state) may cause issues. An example is the dissolution of the Soviet Union after which the citizenship of many persons was not recognised anymore. Fourthly, general discrimination in nations, states, or nation-states can affect the security of rights of a whole group. In Myanmar, the Islamic ethnic Rohingya are not considered citizens by the Buddhist Myanmar. Understanding the qualitative issues of statelessness helps us to target and tackle specific complications. In this section, three visions on statelessness are identified. These do not necessarily oppose each other, they mainly emphasise other elements of the notion of statelessness.

Practical problems

The first line of authors identified, claims that statelessness mainly results in practical problems (Loescher & Milner, 2006; UNHCR, n.d.a.; UNHCR, 2019; Zeveleva, 2017). First and foremost, for stateless people themselves. Citizenship guarantees a legal bond between the nation-state and the individual that secures rights and duties from both sides. Not having that formal agreement results in

a lack of protection. Stateless people are mostly not able to apply for a passport or go to a doctor, for example. They are excluded from political processes and from the judicial system as well (UNHCR, 2019). These people are treated as aliens everywhere because they are not seen as citizens anywhere. Even though the UN Committee on the Elimination of Racial Discrimination (CERD, 2009) stated that "The ground of nationality should not bar access to Covenant rights […] which apply to everyone including non-nationals […], regardless of legal status and documentation.", in practice, many stateless persons experience the lack of opportunity, protection and participation exactly because they are difficult to identify (ISI, 2014). Statelessness starts and ends with not being able to apply for a passport or any form of identity documentation. This affects all kind of rights; economically, culturally, educationally, access to health care. In the end, non-citizens can always be subordinated.

Not having that formal agreement between nation-state and individual is also disadvantageous for the government and society as a whole. Considering these people are difficult to trace, they remain under the radar. Because of the difficulty to collect adequate data about these persons, this can lead to homelessness and economic disparity for example (ISI, 2014; UNHCR, n.d.a.). According to the 2014 Report about Stateless persons by the Institute on Statelessness and Inclusion, 50% of the world's states unmap statelessness. On the other side, countries that do try to map statelessness issues within their territories, use different methods and approaches (ISI, 2014; UNHCR, 2019). This results in inadequate and non-comparable data sets.

Protection vacuum

The second emphasis in this debate is one represented by Loescher & Milner (2006). They explicitly assert statelessness causes a protection vacuum, which is actually the factor threatening security. When a social contract between any (nation-)state and individual is not there, it is unclear who is responsible for securing human rights. Seen from the other point of view, these people themselves may not know what their human rights are and whom to go to for questions and support (Holzer, 2013; IJRC, n.d.; Loescher & Milner, 2006). Also Gubena et al. (2017) and Van Waas (2016) declare it is a two-sided problem when it is vague who is responsible and can therefore be held accountable for the security of human rights of certain people. A dangerous consequence is that *de facto*, lawlessness occurs. According to the Institute for Statelessness and Inclusion (ISI, 2014), lawlessness is *the* problem for stateless people. Arendt (1951) underlines this with the statement that complexities and confusion rise regarding rights and protection when lawlessness occurs. According to her, "Rights of Man" become unenforceable when people cannot request protection by their governments (1958, p.293). Gubena et al. (2017) link this protection void to the construct of the nation-state. They highlight all nation-states determine who acquires or loses citizenship at which moment. This means gradation in protection of rights exists because we link national identity to territory – and the stateless have to endure the consequences.

A problem we have created

Why does statelessness cause a protection vacuum? Why do non-citizens not have the same rights as citizens? This last theory challenges the prevalent underlying perspective on statelessness. Swider (2017) states it is important to realise statelessness *as such* is not necessarily a problem. Our drift to sovereignty has created a logic in which nation-states have power over the human rights of their citizens. This system has created the common idea that citizens do have rights and stateless persons don't – the latter being automatically excluded from various domains in society. Yet, this assumption is not natural at all, because the UN have declared human rights should be accessible to any human being. Added to that, a diversity of levels in statelessness and citizenship exits. This means not only that citizenships are different, they can also be ineffective or degraded by certain government implementations. This occurs for example when certain populations cannot access health or education services due to bad infrastructure, while they would have the right to go there. UNHCR (2014a) claims

the application of relevant nationality law should be carefully investigated before stating a person as either citizen or stateless. Despite this, only one definition of "the stateless person" was covered in international law and the Conventions (De Chickera & Van Waas, 2017).
Problematic is the western lens institutions like UNHCR apply to the solution of statelessness (Swider, 2017). Citizenship is whatever nation-states decide what citizenship is – just like statelessness remains subject to divergent uses internationally (De Chickera & Van Waas, 2017). In western Europe citizenship may entail political participation and civil safety but in other regions this may indicate coercive duties like conscription. Considering (the quality of) citizenships is unequal, the dominantly proposed solution of providing citizenship to everyone does not make the world more equal. Besides, it standardises citizenship and human rights as exclusive concepts (Swider, 2017).

These scholars propose a rights-based approach. In practice, this would mean possibilities of and access to citizenships are expanded. Granting nationality to stateless persons is not a comprehensive solution, because it is not equal and it does not support people who possess ineffective citizenship.

2.5 Dutch asylum conditions

This section specifically addresses how the state of exception is brought into practice through migration/security policies. The concept of securitisation within these policies is important to start with, before understanding the conditions in the asylum space.

Securitisation

Security studies emerged after the Second World War, especially during the Cold War (Charrett, 2009). During the first few decades, 'security' was understood as a national military task. Since the 1980s, the Copenhagen School (CS) has had major influence in security studies with three innovative aspects (Charrett, 2009). Firstly, it adds non-military elements to security, so it includes for example political and societal sectors as well as the traditional military sector (Buzan et al., 1997). This creates a far-reaching scope of issues and events that affect the world today and its population. Secondly, the CS emphasises a regional focus for security instead of the earlier state-focus. Thirdly, the CS shifted from a traditional realist view to a more social constructivist one. Broadening the notion of security would create a more open look in defining security threats. This would justify extraordinary means against a socially constructed threat, even if that threat would actually cause less harm, in absolute terms, than other threats (Waever, 2004). The process of prioritising such threats can be called securitisation (Romaniuk, 2018). The CS attempts to merely understand the working methods of existing security actors, instead of normatively criticising these (Buzan et al., 1997). This is a result of the constructivist belief in social interaction as a discursive exchange.
Critics claim that according to the CS "everything and anything can be securitised", therefore it risks to become a "normative black hole" (Charrett, 2009, p.19). This would be an "apparent unwillingness to question the content or meaning of security" (Wyn Jones, 1999, p.109). The main opponents of the CS are traditional security scholars, mainly mainstream US international relations theorists, according to Diskaya (2013). They claim the state is and should be the only one to identify threats and to use force against those. This is related to the opinion that the regional focus would be too European and not necessarily suitable for other parts of the world (Romaniuk, 2018).

A radical perspective is defined by 'hard-core post-modernists' who question the value of security in essence (Waever, 2004). These theorists criticise the concept of battling potential threats because there is a feeling of the need to protect one's things. Security should not be seen as evidently related to terms like safety and certitude. Constantinou (2000) seeks for a view of security as internarrational. Specific terms being used as well as how a message is being delivered can determine whether something is seen as a security issue in society. A narrative of security verifies legitimised and justified security actions.

Criminalisation in migration

The process of securitisation can be linked to migration and refugee issues. Various authors claim these topics have been (over)securitised lately in Europe (Beck, 2017; Podgorzanska, 2019; Stumpf, 2006; Vermeulen, 2018). Migration is increasingly viewed as a security issue. This seems logical in the context of sovereign European governments struggling with internationalisation. Securitising issues legitimises excessive policy instruments. In this way, the government tries to demonstrate its powers over citizens and subjects and, at the same time, to regain trust by providing internal security (Lappi-Seppälä, 2007). According to Beck (2017), the impact of incoming immigrants is conceptualised on the agenda of all political movements and ideologies in Europe. This securitisation implies refugees are seen as potential threats against which nation-states need to protect their citizens (Podgorzanska, 2019). This dominant process is also known as 'crimmigration', a term that directly links security and criminality to migration and integration (Stumpf, 2006). It implies direct action is necessary to protect one's citizens on the one hand, and to control immigration as much as possible on the other. Global securitisation of migration has resulted in, for example, harsh penalties for criminal immigrants and more mandatory deportation (Kanstroom, 2000).

This process is also prevailing in the Netherlands according to some. Political debates on (im)migration have become more securitised and even criminalised (Van der Woude et al., 2014). This has resulted in stricter entry and visa policies. An example is the sliding scale for deporting criminal aliens (Van der Woude et al., 2014). It presumes a migrant should enjoy protection against deportation when legal residence is longer, therefore (s)he would have to commit a more serious crime on public order before ending legal residence. Since 1990, this mechanism has only sharpened. At the moment, migrants are deportable from Dutch territory after any imprisonable offense in the first twenty years of residence, depending on the length of residence and the seriousness of the crime. The European Commission against Racism and Intolerance (ECRI, 2013) expressed its concerns on Dutch state policy with the aim to maximise obstacles for immigrants. The whole conceptualisation of (im)migration has become more excluding and repressive. The political shift, as any law and its implementation would, has affected the public in terms of marginalisation and stigmatisation.

Statelessness as an asylum condition

This theoretical chapter has explained so far how citizenship, security and the state of exception relate theoretically. It should be clear that citizenship and statelessness need to be se seen as complex concepts. It is important to understand how these notions are conceptualised within this research. Diverse perspectives on statelessness show its meaning is not simple or straightforward. In this research, statelessness is understood as a condition with which many asylum seekers have to deal. The notion of statelessness will thus be used as a lens to investigate asylum spaces. The concept of statelessness and its potential rightlessness are seen as a state of being, directly linked to the state of exception in asylum spaces. This means statelessness is a normalised position, thus not only a status of a specific subgroup.

The theoretical addition of this research is that statelessness is seen as a condition in asylum. The room for convention implementation and domestic laws is what justifies the adoption of the concept "asylum space". Every government acts in this asylum arena conforming with its own governance style. This develops into differentiations in security of rights, illustrating asylum as a space. Statelessness is understood as a standard circumstance of such asylum spaces. So, statelessness is a form of rightlessness, uncovered in the example of the Dutch asylum space. It will be investigated whether and how policy within this state of exception constructs rightlessness.

2.6 Conceptual framework

The previous sections have described the concepts and current relevant debates. The theoretical debates take into account a range of perspectives on statelessness, citizenship, sovereignty and security. This section addresses what this thesis will add theoretically to intersect these debates and concepts.

This whole framework is founded on the acknowledgement of UNHCR (2011) that possessing citizenship is essential for participation in society and a prerequisite for the enjoyment of the full range of human rights. Since the Universal Declaration of Human Rights the basis of security is covered in international agreements. Citizenship has become a precondition to have access to basic rights. Therefore, a stateless person is excluded from the possibilities for a meaningful life (Gubena et al., 2017). Citizenship being a national practice is not problematic per se, its stability is challenged when people migrate and become non-citizens (or at least degraded citizens) when arriving in a new society (Spiro, 1997). Within this context, nationality was framed as a right and an international protection regime was established for persons excluded from any nation-state. To secure international protection, a legal framework consisting of the three Conventions was established.

Different theorists agree on the fact that the three Conventions are essential for human rights – especially for persons that fall between the cracks of the system. Yet, they are not overarching and universally effective. Rightlessness still exists, for which asylum spaces is the example used in this research. The migration context is an interesting one since rights and security are especially important for migrants and asylum seekers. One, because asylum seekers are situated between nation-states. And two, because this context is seen as a state of exception since it has its own rules and laws. The securitisation debate has demonstrated how rightlessness is also relevant in the field of asylum procedure and migration. It is a growing approach in which non-citizens are viewed as a security threat to all that is sovereign-controlled. A trend of "crimmigration" with social and judicial effects can be detected. Practical examples from the Dutch asylum space will be illustrated to argue for this hypothesis.

This thesis seeks to address how statelessness and the Dutch asylum procedure relate. It will be explored to what extent statelessness as a form of state of exception is impacting in the asylum space. Thus, the notion of statelessness will be investigated as a condition of asylum. This means the question "*To what extent can the Dutch asylum space be understood as a state of exception?*" will be the theoretical addition of this thesis.

3. Methodology

This chapter describes the methods used for the operationalisation of this research. Justification will be given for the choices that were made. It starts off with explanations of the kind of data and the way this was gathered. Afterwards, it elaborates on how the data was analysed and how this has been transformed into this document.

3.1 Qualitative methods

This research is founded upon a human geography approach. This is suitable to investigate migration issues because it understands cross-border movements as a human activity, affected by and embedded in its environment (Gregory et al., 2009). Viewing relationships between persons and with spaces as two-sided is characteristic for human geography. In combination with qualitative research, such studies can comprehend the complex lives of people through in-depth approaches. In this way, it will be possible to present a case study. Detailed and extensive information can provide insights in how asylum actors work and conceptualise statelessness. Since this thesis will be a case study of the Dutch asylum situation, the goal is not to generalise the results.
Taking the research question in consideration, it becomes clear this research evolves around relationality. It is aimed to understand the current state of affairs of Dutch asylum policy, accordingly the type of this study is descriptive. This is suitable because this thesis aspires to gather information as a knowledge base for other research.

Firstly, although not a research method in itself, a literature analysis is inherent to this research. This made it possible to draw an elaborated theoretical framework on the connection between citizenship and migration regulations, and security of rights. This data was triangulated, meaning that text from one source had to match with information from another one. Doing literature analysis in the beginning of a research gives a strong base of the current scientific context regarding these relevant subjects. The concepts and theories were thus well-examined and clarified, before steps were made into the Dutch case.

A policy analysis has been done as the main method of this research. In the beginning, this was combined with semi-structured explorative expert interviews. These were held with employees working at organisations having tasks in the asylum procedure. Examples are VluchtelingenWerk and the IND. These people were contacted via email and their network was used for targeting more respondents. Using snowball method was useful to get in touch with the right people and organisations with expert knowledge on statelessness in asylum. With the support of a topic list (Appendix 1), important matters were discussed during the interviews. In this way, red threads guided the researcher through the conversation and no subjects were forgotten. This is also the main reason for choosing the semi-structured method of interviewing. In the end, 13 conversations were held with 11 people; two conversations were spread over two days because of the follow-up of questions. Only one expert interview was held physically, all the others were done via Google Meet or ZOOM due to COVID restrictions. All the interviews were recorded for accuracy and completeness. More information on the provision of information about the research and guaranteed anonymity can be found in the section on ethics.
The choice for integrating expert interviews in the policy analysis was made after the experience that many respondents did advise certain policy papers and reports. With these recommendations, the researcher could dive into Dutch migration policies and the asylum procedure and become embedded in the field. Since most of the respondents have expertise on how the asylum procedure works in a legal and practical way, the conversations were broad and elaborate. The aim was to gain general knowledge on and insights in the current situation of Dutch asylum policy.

3.2 Data analysis

The explorative expert interviews facilitated the policy analysis. Nonetheless, it should be noted that the analysis is mainly founded upon secondary data. The primary data deriving from the interviews mainly intended to understand and explore the field. Secondary data is embodied by the actual policy material, often recommended by respondents, shaping the case study.

After elaborating the expert interviews, thematic analysis was done. Common themes were identified at this point; on policy trends, events and experiences, assumptions and approaches. In this process a coding tree was made (Appendix 2). With this coding tree, fragments of conversations were written down in categories. As structured in the tree, three main subjects were identified; the Dutch asylum procedure, the work of one's organisation and international context. These three all have sub categories, as defined while reading through the conversations. Labelling parts of the conversations supported in overviewing relevant subjects and themes. After this categorising, visible patterns were outlined in order to structure the body part of this thesis. For example, a timeline of the design of the asylum procedure was created. The subjects that are featured were thus frequently identified in expert interviews and (comments on) policy documents. The researcher analysed policy documents, consisting of law descriptions, law proposals and law comments, and connected these to reports by human rights organisations and national institutions. Along these lines, it was attempted to illustrate the current connection between statelessness and the Dutch asylum space.

3.3 Ethics

A research always has ethical considerations. Since conversations were held with participants for this research, it is essential to explain how interaction with these persons was done and how they were not harmed in any way. Every participant was informed of the aim and content of this research before any interview started. Also, persons were informed beforehand that the interview would be recorded and that their names would be kept out. The numbers that replace participants' names, are identified in another file, to keep this as confidential data. In order to guarantee anonymity as much as possible, not all organisations and expertise were described in detail in the participants list (Appendix 3). At the beginning of the conversation, the researcher would always ask for permission to record and to make and use notes. Approximately, the interviews took between 30-90 minutes. This depended on the specificness of the expertise of the participant in a particular case. The responses were written in a separate document in order to assure anonymity in this final document.

The IND has a standard procedure for collaboration in academic research. Before being able to interview the IND participant for this research, a non-disclosure agreement was signed. The main goal of this is to prevent data leaks. It also serves to make sure that the information obtained from the IND is presented correctly in the academic report. A literal transcription was presented within 14 days after which the interviewee could make adjustments. Next to this, the IND has fact-checked this thesis on the information derived from the interview before it was published.

3.4 Influence of COVID-19

The design for this research has changed several times. The main shifts made were subject to the COVID-19 pandemic.

Initially, the aim of this thesis was to investigate the sense of security experienced by stateless persons in camp spaces (preferably at European borders) through ethnographic research. In this research design, the three main concepts would be camps, citizenship and security. The camp space would be a potential state of exception in this matter. Doing an internship at an institute or organisation actively engaged in migration and citizenship issues would have provided the researcher with resources and contacts to study the question of access to rights. This would give insights in how these organisations,

services and institutes act and where they focus on. Besides, when being present a lot in a camp, people living and working there would start to recognise the researcher. After a while, especially when embedded in an organisation, it would become easier to start informal conversations. With participant observation and informal conversations, situations were to be observed within its context. Eventually, a description of law and security practices of the camp could have been made. Intensive contact with the relevant network would have been built before targeting the stateless participants. In the end, a case study would have been drawn of security of rights in this specific camp. Field work in this way would have been an appropriate way to get an understanding of a situation since it allows the researcher to have conversations with the target group of the research (Bernard, 2011).

COVID-19 made it impossible to do an internship in a camp space that would embed the researcher in a relevant context and a relevant network. Especially travelling to a camp situated at the borders of Europe was not feasible in 2020-2021. When the research was resituated to the Dutch context in which AZC's could be seen as a "lawless place", it appeared also not easy to visit these places because of COVID restrictions. For that reason it was difficult to find asylum seekers and/or status holders and meet them physically. Methods of participant observation in a camp space and unstructured interviews / informal conversations with refugees or asylum seekers were released.

Not only the context but also the aim of this research was adjusted. Analysing policy and its implications appeared to be an appropriate way to investigate the current situation in the Dutch asylum space, especially because persons within the procedure were difficult to target. In order to gain basic knowledge to illustrate the field, it was decided to start with conversations with persons working in the asylum chain.

3.5 Strengths and limitations of this research

A few limitations of this research can be identified beforehand. Firstly, the participants portraying the asylum space are a limited group of people. As every person, they have specific experiences, opinions and perspectives on certain practices and events. Since the outline of the field is never objective in this case, the researcher and the emphasis on certain subjects can be affected by this.
Secondly, as a qualitative case study this research is not generalisable. As explained before, the aim is to explore the relationality between citizenship and the asylum space, with an emphasis on security. Understanding the connections between these concepts can illustrate the current state of affairs, and can provide suggestions for further research. This implies this thesis does not draw definite conclusions that can blindly be taken over a broad scope.
Thirdly, it should be noted the researcher does have a background in human geography. This thesis is not founded upon a political perspective, meaning a researcher with another approach could have gathered other data or have different interpretations. It is important to realise a research is always influenced by the expertise of the researcher.

Besides, COVID restrictions made building a network in the Dutch asylum chain complex. This has had two implications. Firstly, all semi-structured interviews except one, were done online. This means non-verbal communication and informal talk around the interview were less to be noticed by the researcher. This can create a limited view on a person's experience or opinion. Secondly, many institutions and organisations were caught up in COVID adjustments internally. They were not able or available to respond to the researcher or to hand relevant information. Therefore, a selective group of actors was spoken to. However, since the expert interviews were mainly used to explore the field, the benefits of still having these conversations outweigh the disadvantages.

Given the research question and this research's approach to explore the connection between statelessness and the Dutch asylum space, it should be sufficient to focus on actors working on these matters. The participants have illustrated their experiences in the field and with that information, secondary data is analysed. By focusing on different sources for literature analysis and policy research, adequacy and correctness of information is assured. This is the most important strength of this research. The researcher thus not dove randomly in some media and policy articles; the field was thoroughly explored before patterns were searched for proper analysis.

4. Practices in Dutch migration and asylum policies

This chapter initiates with illustrating historical and policy trends of Dutch migration laws and the asylum procedure. The second part will focus specifically on statelessness and how this is produced in the space of asylum. Patterns that came forward after doing policy analysis, including the expert interviews, shape the structure of this chapter.

4.1 Changes in the Dutch asylum procedure

4.1.1. Aliens Act 2000 as a foundation

The Dutch asylum procedure and its attached policies have transited over the years. A historical reform can be found in the Aliens Act 2000 (Vreemdelingenwet 2000, or Vw 2000). This was made as the revised basis of all alien law in the Netherlands after a decade of increasing asylum applications and delayed processes (Ministerie van Justitie en Veiligheid, 2009; NJCM, 2003; Vreemdelingenwet 2000, 2000; WODC, 2006). The Netherlands desired efficiency and acceleration in asylum applications and their decisions. At the time, a period of increased protection discourse was prevailing (HRW, 2003). UNHCR and Human Rights Watch (HRW) observed a defensive attitude in certain European countries resulting in less financial and social protection for migrants and stricter requirements for family reunification and integration. The government explicitly states in the explanatory memorandum of the Aliens Act 2000 that its policies are aimed "to regulate migration to the Netherlands and to keep the consequences of this migration as manageable as possible for Dutch society" (Ministerie van Justitie en Veiligheid, 2009, p.1).

Characteristic for Vw 2000 was the shift of final authority to the Council of State (Raad van State) for appeals in migration cases. This is linked to the development that the highest national judge of asylum cases could only test a case and its IND decision marginally, while this was completely substantive before (Geertsema, 2013; interview 10; Scheepers, 2017). Besides, the IND had to test every case for positive persuasiveness ("positieve overtuigingskracht" or POK-test) in order to consider it credible. In addition, the quick "AC procedure" of 24 hours was replaced by a 48 hours AC procedure; within that time span the IND should come to a decision on the requested asylum. Applications that appeared too complex were forwarded to the extended procedure, which was in fact the full asylum determination procedure (Vreemdelingenwet 2000[6], 2000). The goal evidently was to filter clearly unfounded applications.

Already before implementation of the Vw 2000, much critique appeared from human rights organisations and asylum lawyers on its design. The lack of information in combination with threatening capacity shortages at several chain actors would complicate the practices (WODC, 2006). Despite these critiques, the Aliens Act 2000 was implemented in April 2001. The effects became visible quickly. An immediate decrease of asylum applications, a trend seen in the whole of Europe, solved the threat of capacity shortages. Consequently, several organisations shrank.

Based on practical experience, new policy advices were developed. Reports by the Catholic University Nijmegen and HRW attempted to prove the AC procedure should provide more resting time. At that moment, all asylum seekers were generalised in the same procedure, from war-fleeing refugees to homosexual persons with complex trauma stories; there was little space and time for communication and discussion with lawyers; and young children were interviewed inappropriately (Doornbos, 2003; HRW, 2003). Around the same time, UNHCR commented on the outcomes of the Aliens Act (UNHCR, 2003). Much-heard critique was the prioritisation of pace in the design of the AC procedure, which would contribute to inadequate decisions, hence risking violations of the non-refoulement principle.

[6] See articles 28 and 29 for the full asylum determination procedure and paragraphs 3.112 and 3.117 for the accelerated procedure.

A few years later, several migration and integration issues received media attention. One issue concerned unaccompanied minor asylum seekers that were left without any kind of support provided by the state after they had turned 18 (destentor, 2006; interview 12; Trouw, 2006). It appeared many of these persons were lost in criminal activities and illegality at the moment the government would end its financial and social support (e.g. having a guardian and shelter). The underlying problem here was the inability or sometimes unwillingness of these asylum seekers to return to their place of origin or earlier residence. In the end, return was the actual aim of Verdonk, being minister of Immigration Affairs at that time. Another issue that made the Council of Europe criticise the Dutch government was about families with children who were forced to live on the streets after a rejected asylum application (ECSR, 2008; interview 5.2). VluchtelingenWerk and other organisations emphasised a third concern about the procedure itself, related to the earlier critiques when the Aliens Act was designed. Asylum seekers were interviewed directly upon arrival despite their mental state. This often led to non-consistent, non-coherent and extended stories of journeys since people had traumas, mixed-up memories and did not know what was relevant in their asylum case (interview 4.1 and 5.1; NJCM, 2003). Eventually, making decisions on granting asylum was difficult in many cases and therefore appeared to be incorrect sometimes.

4.1.2. Program for Implementing Improved Asylum Procedure

All of the above-named issues were to be corrected in the newly designed asylum procedure in 2010. The Program for Implementing Improved Asylum Procedure (PIVA) was designed in cooperation with all chain partners. IND, DT&V, COA, VluchtelingenWerk, Council of State ("Raad van State" in Dutch) and asylum lawyers outlined this new asylum procedure together and were overall satisfied with it. The main intention – again – was to fasten procedures and make them more adequate for the sake of asylum seekers and Dutch government and society.

Firstly, the AC procedure of 48 hours was replaced by an 8-days "AA" procedure with a rest and preparation period (rvt). Upon arrival, the IND would only ask about identity and journey in a reporting interview. The reason for asylum and potential threat for persecution at return, would be discussed later. Also, preparation by VW was provided before the start of the rest and preparation time. Handing information about the asylum chain with its actors would prepare asylum seekers better. At the same time, this was an opportunity to talk to VW workers about personal circumstances. Besides, a medical check was integrated by FMMU in order to secure early detection of medical issues. Another modification was made to prevent people from living on the streets; after rejection of the first asylum application, people could now have shelter before the departure deadline of four weeks. The specific 8-days asylum procedure as it is implemented right now, can be found in section 1.4 "Context".

The adjustments of PIVA did have a few positive effects when viewing formal goals[7] (Böcker et al., 2014). Especially the preparations by VW and with one's lawyer were seen as improvements. The progress for asylum seekers and lawyers lied in the rest and preparation time, better preparedness and less (time) stress. Also the aim to shorten asylum procedures in general was achieved. This can be in particular attributed to the new length of the general procedure and a shorter extended procedure. As an outcome, clarity on the application was given earlier, so shelter was also organised more adequately. Consequently, the aim of more effective return policy was accomplished to a certain extent as well. However, the goals for less renewed asylum applications and more carefulness and adequacy in cases were not reached. Measures for the first seemed not to be effective and the latter was difficult to quantify – although it was said the procedure did not become *less* careful.

[7] Four goals were described in the design for the improved asylum procedure in the letter from the Minister for Migration and Minister of Justice (Albayrak and Hirsch Ballin) to the Second Chamber of the Dutch Parliament (24 June, 2008). Dossier 29344, nr. 67.

4.1.3. Degradation of PIVA

After analysing the explorative expert interviews, it came forward not only Europe is strengthening its anti-immigrant stance. Practical outcomes of Dutch asylum show this as well. The policies and practices around this co-created procedure would have worsened the asylum situation since PIVA in small steps. The political goal behind all adjustments made in the asylum procedure has been to fasten procedures and decisions. Influenced by the European political situation and a growth in asylum requests, small but definite revisions have been made to the asylum procedure by the Ministry of Justice and Security (which is responsible for asylum and migration policies). Examples of practical problems that may have affected new policies or have led to proposals, will be outlined. The increase in asylum applications since the civil war in Syria has often been used as justification for recent stricter migration policy.

IND task force

One well-known consequence in Dutch migration policy is the establishment of a special task force of IND in 2020 (IND, 2021). Due to up- and downscaling after the peak in applications around 2015-2016, the IND failed to catch up processing 15.000 asylum applications submitted before April 2020 (IND, 2021; Jaarverslag Rijksbegroting, 2019). This task force was initiated under political pressure to process the workload of these overdue applications before the end of 2020. In November 2020 Minister for Migration[8] Broekers-Knol acknowledged the task force could not catch up in time, meaning circa 7.000 applications would be postponed to 2021 (Harmsen, 2020; IND, 2020; Zwolsma, 2020). The goal of processing those remaining applications by medio 2021 would be very optimistic according to VluchtelingenWerk considering the current pace of IND and the shortcomings that came to light mid-2020. VluchtelingenWerk wrote a letter to the spokespersons of asylum policy about a quick scan in which VW employees and asylum lawyers working with the task force participated[9]. The IND would not only suffer from insufficient and inadequate capacity, also the planning of procedures is made without consultation with asylum lawyers beforehand. This means lawyers have to put more effort into preparing asylum seekers in time before the procedure. These problematic practices were confirmed by participants' interviews (number 4.1 and 10). Besides, not all asylum seekers appear to be scheduled for the mandatory medical check at FMMU. Consequence of these complications is an increase of stress and uncertainties in already crowded AZC's.

Traditionally, asylum seekers could ask for financial compensation when their application was being delayed and when waiting for more than 6 months. In March 2020 it was expected IND had to spend 70 million euro on this regulation in 2020, which would have been four times higher than foreseen by Broekers-Knol (NOS, 2020a). In November approximately 11.5 million euro was spent on these compensations and it was expected 32 million more was needed for 2020 only (interview 4.1; Zwolsman, 2020). Temporarily, a suspension law is implemented in order to make this penalty unavailable since July 2020[10]. Several members of the Parliament and actors in the asylum chain describe the situation as "political mockery" (Harmensen, 2020), "very sad" and "totally incredibly out of control" (interview 4.1). Asylum seekers cannot hold the government accountable anymore and lawyers are faced with logistically "impossible cases" (interview 10) (NOS, 2020b). According to VluchtelingenWerk the struggles of this task force show the umpteenth attempt to fix IND's practical issues does not succeed (De Zwaan, 2020). Years of organisational turmoil and poor ICT would have resulted in a malfunctioning institute, now reflected on this task force (Rengers & Kuiper, 2020).

[8] The title of the Dutch State Secretary of the Ministry of Justice and Security is translated in English as the Minister for Migration (Rijksoverheid, n.d.a).

[9] Results quick scan task force IND. VluchtelingenWerk Nederland (Nov 2020).

[10] Temporary law suspension penalty payments IND (July 2020).

Housing and shelter

Another point of concern is the waiting time for houses for tens of thousands status holders with residence permits living in crowded AZC's (NOS, 2020c; rtl, 2020). According to ex-chairman Choho of VluchtelingenWerk this is a result of "years of budget cuts at IND. Many employees were sent away causing failure to catch up and asylum seekers to wait for years for their procedural start" (Choho, 2020, *cited in* rtl, 2020). A solution proposed to this housing issue is the two-year-old pilot of National Aliens Facilities ("Landelijke Vreemdelingenvoorzieningen" or LVV in Dutch). This plan, as part of the more broad migration dossier of the government, involves emergency shelter for people not entitled to AZC's, provided by municipalities and partly financed by the government (NOS, 2018). This compromise between the government and municipalities solved the "bed-bad-brood" discussion whether providing shelter for rejected asylum seekers in municipalities stimulated or demotivated return and departure (Hermens et al., 2021; WODC, 2018). Cooperation between these and more relevant actors remains difficult in LVV because of different attitudes towards these rejected people (Hermens et al., 2021). The Amsterdam Solidarity Committee for Refugees (ASKV, 2020) validates that especially for stateless and undocumented persons LVV has not resulted in any future perspective. Besides, municipalities do not have the power and knowledge to judicially support these people in their procedures for return or residence. LVV is a step in the right direction regarding the prevention of rejected asylum seekers living on the streets, but there are definitely some improvements to make – in cooperation and mutual understanding.

Cancelling the reporting interview?

An important revision in the making regards the first reporting interview of the AA, before the start of the actual asylum procedure. In the 2010 designed PIVA, the asylum seeker has not seen or spoken VW, a lawyer and/or another institution at that point. The IND is only allowed to ask three simple questions in this interview; about one's identity, nationality and migration journey. According to several VW workers, the interview for verification on the first day of the AA has become a sham since everything relevant is already said in the reporting interview (interview 4.2). Lawyers add that they only meet the asylum seeker one day before the AA, meaning an opportunity to discuss important factors in one's asylum story is only after the reporting interview. The goal of this practice is that people are as less influenced as possible when they arrive and tell their story (interview 8). Result is, according to several VW workers and lawyers, that (1) people are not well-prepared and (2) the verification interview on day 1 of the AA has become quite useless.

In October 2020 a law proposal was submitted to combine the verification interview with the reporting interview upon arrival. This would mean the asylum motive must be illustrated during that very first reporting interview, making it easier for the IND to differentiate between people already before they have spoken to VW or a lawyer. This could help the IND planning and would prevent the repetition that is now experienced in the questions asked during the second interview (interview 8; MinV&J, 2020). VW is not satisfied with this plan since the time to rest, the medical check and the knowledge for what is important in one's story would only come after the interview (interview 4.1, 5.2 and 7). The Association of Asylum Lawyers and Jurists The Netherlands (VAJN) and the Dutch Advisory Committee on Migration Affairs (ACVZ) acknowledge the current situation with elaborated reporting interviews must be improved, since the verification interview has become a farce. They request better motivation why asking for asylum motive would be fundamental in the reporting interview – especially because too much (psychological) burden for the asylum seeker is feared, in particular for minors and traumatic persons (ACVZ, 2020; VAJN, 2020). Besides, several undefined terms in the law proposal would be problematic, such as "the alien causes nuisance"[11].

[11] Article B6/3.109 of the Aliens Circulaire B (2000).

Space for judicature and discussion

A related question is the shrinking opportunity some lawyers experience to support their clients. It is regularly suggested lawyers are the problem in long and ongoing asylum procedures because they would constantly litigate for their clients (interview 7; Louwerse, 2019). With the task force struggles and (potential) abolishment of the reporting interview lawyers would have less opportunity to communicate with and support asylum seekers. But the narrowing space of legal counsel is not a new discussion point. HRW confirmed in its 2003 report that efficiency was prioritised over protection in the Dutch asylum policy. In 2018, The Netherlands Bar (NOvA) expressed its concern about the Minister's plan to provide legal counsel for asylum seekers *only* with a rejected asylum application. This would be contrary to the European Procedural guidelines (NOvA, 2018a).

Besides, lawyers experience decreasing legal power to hold the IND and therefore the state accountable (interview 7). This trend of court being overruled or limited by political influence is seen throughout the whole of Europe. It would lead to a decrease in states' respect for international commitments to protect refugees (Almustafa, 2021; De Bruycker, 2018; Webber, 2020). Some academics describe the threats of a phenomenon called "judicial passivism". This conceptualises that judges and courts uphold all laws unless they are unconstitutional (Stone, 2007). Once, this was the valuable basis of judicature. However, in practice this has developed in a passive attitude by the judicial for difficult issues. Currently, this is used as a reason not to decide – and therefore more room is left to act for governments. Yet, the more controversial and complex an issue is, the higher the relevance of the impartial court to decide on it (Thielbörger, 2012). Examples in migration law are the judgments by the Court of Justice of the European Union on the EU-Turkey deal and on the Western Balkan route (De Bruycker, 2018). Eventually, judicial passivism can undermine the constitutional system if the judicature cannot carry out its responsibility to safeguard international commitments.

Paradoxically, holding governments accountable is exactly the reason why this judicial profession was integrated in asylum and migration matters in the first place. The strength of co-created asylum policy is the diversity of experts. They remind each other of different aspects of the international protection frame. It is valuable to integrate lawyers in asylum chains as experts in judicial systems – excluding them can be harmful in a democracy (Stone, 2007). A consequence can be a one-sided, biased, or even unjust asylum policy. The trend illustrated by the examples above can be connected to securitisation in migration in general.

Discretionary power

Another political decision ringing the alarms bells at VW, asylum lawyers and several politicians is the elimination of the discretionary power. The development has created some fuss in Dutch society because various asylum cases, in which this power was applied and the clients received a residence permit[12], gained media attention in the past. The discretionary power of the Minister for Migration provides a mandate to determine an asylum seeker's situation as "poignant". In those cases, the Minister could provide a residence permit no matter the procedures and past decisions. Since May 2019 the power has transferred to the Director of IND, meaning an officer reassesses determinations of his employees while the Minister of Migration, as a politician, remains accountable in the end (IND, 2019; INLIA, 2019).

Former Minister for Migration Harbers (2017-2019) declared the red files full of heart-breaking stories were a "moral test" every time he needed to deal with them (Kieskamp, 2019). According to the participant of interview 12, this was exactly the point: as Minister for Migration you are responsible for these cases. A bothered conscience only implies comprehension of the practical outcomes of policy. Following the transfer of discretionary power, a second change was made. The test for poignant

[12] Cases gaining media attention were amongst others the ones of Sahar and Lili & Howick (Kieskamp, 2019; rtl, 2018).

circumstances is exclusively being done during the very first asylum procedure in order to prevent people without residence to stay illegally in the Netherlands (ACVZ, 2019; Alting von Geusau, 2020). According to critics poignant circumstances often come to light after a (first) asylum procedure (Defence for Children, 2019; Raad van State, 2020; VW, 2019). Ex-chairman Choho of VW declares that adjustments like these threaten to obliterate the mercy in asylum policy. In its unrequested law advice ACVZ (2019) describes its discontent about the law proposal not having consultation since the commission has the legal right to advise the Minister on any law chances of the Aliens Act 2000. It is stated there is no quantitative data or any research for that matter concluding this law adjustment would be necessary, which is a general requirement for any law changes. Therefore, this example once again suggests the Ministry prioritises its own intentions, leaving advices and research on the side.

Shortening time of temporary residence?

Another political development regards a law proposal of shortening the temporary residence permit for asylum seekers from five to three years[13] in order to harmonise with other EU member states. At the moment, the situation of a temporary status holder is being reconsidered after those five years and (s)he can apply for a permanent residence permit at that point if integration requirements are met[14]. In this draft, asylum is being reconsidered after three years – and again two years later, which would still be the moment the status holder could apply for a permanent residence permit. According to NOvA, the Dutch Jurists Committee for Human Rights (NJCM), VW and VAJN this plan would generate needless higher costs and work load for the IND while the advantages are not proven to be beneficial and weigh against those costs (NOvA, 2018b; VAJN, 2018; VWN, 2019; NJCM, 2018). VW and NOvA have concerns in particular for the mental impact on refugees and constraints for integration.

To sum up, it seems the IND, representing the Minister for Migration and the Ministry, has increasing power compared to other chain actors. This causes frustration at asylum lawyers and VW for example, since they feel excluded. Although the asylum space is designed as a chain with several actors involved, some feel put aside like a burden. The abovementioned practices in the degradation of PIVA together shape an example of the exceptionalisation of the asylum space. With a narrower discussion for communication and cooperation, the concept of the asylum space – in which parties could act because they conform to certain principles and norms – shrinks. As explained before, a socio-spatial geography is created by all its present actors. When policy-making is not carried out conjointly anymore, it can reinforce processes like exclusion and discrimination. In this practical outcome of PIVA, a state of exception is created, specifically in the designing process behind asylum. This definitely affects security for all persons dependent on the admission procedure within this space.

4.1.4. Negative assumptions

The securitised discourse in migration policies can be extended to the Dutch asylum procedure. It has come forward various times that the asylum procedure is focused on rejection and not on humanitarian grounds or the protection of fled persons. This is confirmed in the article 'Ongezien onrecht in het Vreemdelingenrecht', which compares between practices at IND and the Tax and Customs Administration ("Belastingdienst" in Dutch). Between 2006-2019, tens of thousands of parents were unjust suspected of fraud due to discriminating, improper and unlawful actions of the Belastingdienst (Parlementaire ondervragingscommissie Kinderopvangtoeslag, 2020). This political "childcare benefits scandal" (kindertoeslagenaffaire) led to national attention and outcries about the enormous impact on people's lives because they were wrongly labelled as fraudulent. Law scientists

[13] Law proposal. Adjustment of Aliens Act 2000 regarding the validity period of the temporary residence permit for asylum. 35691 (Dec 2020).
[14] Article 28, section 2. Aliens Act (2000).

of Radboud University pointed out parallels between this scandal and circumstances in asylum cases: a stiff bureaucratic attitude and the category of people affected. According to Geertsema et al. (2021), the people concerned, asylum seekers in this case, often have constrained financial resources, difficult access to Dutch justice and rarely have Dutch citizenship. Inflexible policies and institutional distrust leave limited space for human dimension and concessions in asylum stories. An important finding confirmed by two participants (interview 10 and 12) is the attitude of distrust and suspicion towards aliens. Participant of interview 10 (2021), asylum lawyer since the 1980s states:

"The suggestion is being made that people persist in a lie for 30 years that they have told here when they were 14 years old. They told a story or would have made it up and the belief is that they would, whatsoever, despite all the suffering in the Netherlands, hold onto that lie to fool the Dutch government. […] There has been a period the government and civil service of IND and the Immigration Office were there to protect people if they needed protection. […] I think since half the 90s there came a turn: very strict, never will it happen to us that we would give someone inessential protection or protect a traitor who doesn't need it. And then the good have to suffer from the bad."

Article 31 of the Aliens Act 2000 requires a plausible story from asylum applicants before considering protection. This means an asylum seeker must be credible, complete and consistent in order for his story to be determined as plausible. In interview 12 it was confirmed that, in practice, stories with small inconsistencies are depicted as nonsense at an early stage. With a background in cognitive science, this participant knows testimonies often contain inconsistencies, also do people describe the same situation differently – especially when being traumatised and afraid (Doornbos, 2006; interview 12). According to Geertsema et al. (2021) the suspicion IND upholds towards the alien from arrival in the Netherlands until naturalisation is disproportional. Asylum lawyers recognise "excessive formalism, depicting people as traitors, an inflexible IND holding on to rules thereby losing the human dimension and a judicial power only judging in a reserved way" (SVMA & VAJN, 2021, p.6). Altogether, this would lead to merciless procedures and wrong decisions at times about residence permits.

Differently, research by Severijns (2019) illustrates a nuanced picture of the internal affairs at IND. He sees officers are struggling with the space that inevitably exists between the rules. To describe three types of uncertainties for officers at bureaucratic organisations, the typology of Raaphorst (2018) is used. Firstly, the insecurity of the room for interpretation. Not every officer considers a situation in the same way another would. Some are very strict, others see more space between the rules. This depends on the perception of the job, which is dependent on personal prejudices and team spirit, for example. Secondly, uncertainty of action. This is about how officers would handle with insecurities and possible implausible statements. It depends on one's knowledge of the world around him and the choices made to elaborate during the hearing interview. Thirdly, the uncertainty of information. Many officers acknowledge it is difficult to categorise an asylum story as credible and complete because of the frequent lack of information. Still, they need to request this in hearings. Whether information is interpreted as credible or relevant is also subjective.
In the end, asylum cases are always complex and unpredictable. Fact checking will always be difficult and IND officers are aware of this. The outcome of a case will to a certain extent always be subjective, depending on the choices and actions made by the persons working for the IND.

The illustration made in Geertsema et al. (2021) can be linked to the fact that asylum and migration affairs are covered by the Ministry of Justice and Security in the Netherlands. The asylum procedure is therefore positioned at a correctional system – several participants of the interviews explained this creates bias (interview 12 and 13). Chairwoman Kremer of the ACVZ proposed in an NRC article (2021) to establish a Ministry for Migration (and Citizenship) for more coherent policies connected to society. By designating the asylum procedure as judicial, it has been socially degraded in several ways.

One example is that an asylum story is being evaluated by a decision officer on paper, not being the same person as the hearing officer (interview 12; Severijns, 2019). This would sustain objective policy-based decisions. However, as Severijns concludes, IND officers are very well aware that decisions are never objective since hearings are human affairs. By splitting the hearing officer from the decision officer, objectivity is attempted to be assured in every case as much as possible (interview 8).
The research of Severijns shows the IND as an institution cannot simply be judged as a whole. For sure, it is one and the same organisation but the persons working within it all make choices and have their own experiences, consequently influencing asylum cases.

4.2 Experiencing statelessness in the asylum space

UNHCR assessed in 2011 that 10,000 persons are stateless in the Netherlands. From this group, 4,000 are formally registered as stateless, while approximately 6,000 live under the radar and are not identified as such.
As explained before, statelessness is understood in this research as a state of being, an inherent element of asylum spaces. This section will explain this further in the light of differentiation and containment in the state of exception.

4.2.1. Track policy

The asylum procedure is the same for everyone in the Netherlands. This also means every person can apply for asylum. However, not everyone gets the opportunity to start the procedure due to the track policy ("sporenbeleid"). This was implemented in March 2016 after increasing asylum application rates (Staatsblad, 2016). At the first reporting interview with IND right after asylum application, someone's chances of being granted asylum are assessed. Depending on the screening, based on the story told by the asylum seeker and his/her identity, this person will follow a certain asylum track (IND, n.d.b). The government's aim is to filter applications right away for faster procedures and better planning (Staatsblad, 2016). Track 1 and 2 already stimulate return since the groups of people these define have little chance in being granted asylum. This identifies Dublin claimants and people coming from safe countries (IND, n.d.b). Following the Dublin-III Regulation[15] people can only be granted asylum in one EU member state – this should be the country of first arrival in the EU. In the Dublin procedure, there only is a reporting interview, thus the question for asylum motives is left out (NOvA, 2017). When being double registered, a government has the right to transfer the asylum seeker to the country of first registration, if being accepted[16]. The Netherlands receives a few thousands of Dublin claims annually and rejects approximately three-quarters of them (Eurostat, 2021). Next to this, the Netherlands has a safe countries list to select persons on the presumption they can safely return (Rijksoverheid, n.d.b). These asylum seekers still have the opportunity for asylum, however with a heavier burden of proof[17]. Several participants of the interviews confirm differentiation is made directly upon arrival (interview 4.1, 5.1 and 8). Track 3 (definite granting) and 5 (further research on identity) are not fully applied yet (IND, n.d.b), while track 4 (AA and VA) seems the general way to go. Amnesty International criticises the government for classifying in such an early stage in the procedure. NOvA (2017) sees trouble in vague definitions and ambiguity in the safe country list. Amnesty (2017) emphasises presuming people come from a safe place risks improper and inaccurate procedures. If they cannot disprove their safety, they must leave

[15] Regulation (EG) Nr. 343/2003.
[16] Article 3.109c, Aliens Act (2000).
[17] Article 3.109ca, Aliens Act (2000).

immediately without returning support[18] and cannot come back to the Netherlands the next two years[19].

The fact that the fifth track is not being practiced, indicates an unfortunate position for undocumented or formally stateless people. Since statelessness itself is not a reason for asylum, the connection between the procedure and statelessness is being made otherwise (Rijksoverheid, n.d.c). It is not a head subject in asylum, nor is it for the operation of relevant actors like IND and DT&V (interview 10, 11 and 12). An asylum procedure is a check for someone's protection and is not about determining nationality (interview 11 and 12; IND & DT&V, 2020, p.2). However, knowing one's nationality is crucial for protection and eventual asylum (interview 8). Since only one's own nation-state can provide a person nationality, Dutch IND or BRP officers are not allowed to register nationality in the Personal Records Database (BRP or "basisregistratie personen") without formal documents from that state[20] - nor would this be their task. This means formal statelessness needs to be proved by documents before registration is possible (UNHCR, 2011).

4.2.2. Burden of proof and identification

Confirming nationality on documentary grounds is very difficult. The Dutch government prefers everything is being proven by documents in order to be sure of everything an asylum seeker tells (EMN, 2012). This means a person can only be granted asylum if it is determined that they cannot rely upon their own government for protection and safety. The distribution of the burden of proof for asylum is defined in Article 31 of the Vw 2000. The alien needs to bring all "relevant information" forward in the shape of documentation as soon as possible, and accordingly needs to make the fear for persecution plausible. Before investigating whether a person should be granted protection, one's identity needs to be defined.

However, this implies practical obstacles for many asylum seekers. The European Migration Network (EMN, 2012) concludes that the majority of asylum seekers coming to the EU does not possess identity papers on the level that is desired to be sufficient. The Protocol Identification and Labeling (PIL) describes the system for working with personal data in the Dutch migration chain. Since there is not one legal definition of identity, the concept is considered to be a collection of personal data, together constructing one's identity (ACVZ, 2010: PIL, 2020). This ranges from place of birth to sex. In law, explicit requirements are stated for the documents that are crucial for nationality and identity determination in the context of the asylum procedure[21]. These need to be formal, issued by a government and include at least a passport photo and place and date of birth. Such requirements vary across European countries. Guidelines are constructed for verifying identity and nationality of asylum seekers but every nation-state has its own alien policies (ACVZ, 2010; EMN, 2012).

Identification in the Netherlands thus heavily relies on formal and national documents. Therefore, it neglects two important practical facts. Firstly, the burden of proof for the asylum seeker means (s)he should attempt to receive missing documents from embassies and consulates. However, it appears to be difficult to get one's nationality confirmed by an embassy, especially when being fled for a regime (Amnesty, 2020, p.15). Non-response or non-cooperation is a frequently heard complaint since governments are not obliged to collaborate in this (ACVZ, 2013b; interview 6). Secondly, every country has its own registration system and passport laws. It is not self-evident that all issued identity documents are nationally governed. Many nation-states have divided responsibilities for civil

[18] Letter from the Minister for Migration (Dijkhoff) to the Second Chamber of the Dutch Parliament (17 Nov, 2016). Dossier 19 637, nr. 2257.
[19] Article 30b, Aliens Act (2000).
[20] Article 2.15, Basis Registration of Persons.
[21] Article C4/3.6.2. of the Aliens Circulaire C (2000).

registration between different (de)centralised institutions (UNICEF, 2013a). Thirdly, registration can have many obstacles in several parts of the world. Practical problems can appear when parents need to register their child, for example when they have other livelihood priorities (Heap & Cody, 2008). When it is necessary to travel, maybe costly, for a few days before reaching a civil registration office, while a household is dependent on livestock or crops, the importance for registration can shrink. Political unrest and violence are also reasons for inability or unwillingness to travel for birth registration. Value attached to particular parts of personal data can also differ between regions or nation-states. In one interview (12) the example was given of a Somali man who requested for family reunification with his wife but he could not confirm her day of birth – in his culture and daily life this was not relevant data. It is also possible that people do not *want* to possess citizenship of the nation-state they live in (Swider, 2017). If a regime is rather violent or citizenship includes strict obligations, one may chose not to become a citizen of this nation-state.

The UN International Children's Emergency Fund assesses one in three children under the age of five years old does not exist officially (UNICEF, 2013b). When not being registered at birth also the acquisition of nationality is at risk – however it must be clear permanent recording is not the same as having a nationality. Still, without legal records of birth, statelessness is risked eventually (UNHCR, 2014b). When crossing borders, consequences become international. Asencio, Executive Director of Be Foundation Derecho a la Identidad, confirms this. Unregistered Mexicans that cross the US border are being described as "doubly undocumented" since they not only lack residence permit in the US, they are also not recognised for nationality in their home country (Asencio, 2012).
All these examples show the reliance on documented national identification conflicts with the inherently unequal nature of citizenships and their acquisitions. There are various causes for the lack of precise information which the Dutch desire for registration of asylum seekers.

In the practical outcomes of this strong reliance on documentation, people in the condition of asylum can experience a certain statelessness. Although some may technically do have a nationality, they may lack documents, therefore lack the protection of a nation-state. These asylum seekers are susceptible for rightlessness in the exceptionalised state the asylum space is. Besides, the subgroup of people that do meet formal requirements of statelessness, can only demand their rights as stated in the Statelessness Conventions, *if their statelessness is being confirmed* (UNHCR, 2011; UNHCR, 2014a). The UNHCR Handbook on Protection for Stateless Persons declares states must identify stateless persons in order to provide them appropriate treatment (p.6). This is exactly where the shoe pinches for this specific group. According to Amnesty International and UNHCR, statelessness is too less acknowledged in the Netherlands. This has, amongst others, to do with the absence of a Statelessness Determination Procedure (SDP) (Amnesty, 2020; UNHCR, 2011). More about the technical side of this can be found in section 5.3.

When diving into the group of formally stateless persons, it becomes clear what the crux is here; stateless persons do lack *in essence* formal national documents *because* they are not considered as a national by any state under the operation of its law. They often belong to discriminated minorities (interview 6; UNHCR, 2018). That particular discrimination could have been the reason one actually fled and also, possibly, is not in the possession of identification documents (interview 6). A clear example can be found in the Rohingya population, that is not seen as nationals under the state of Myanmar. Therefore, they are not registered and cannot show a Burmese passport if they flee. With restricted access to identification and travel documents, non-citizens have a harder time meeting procedural formalities in migration cases (Bianchini, 2020). This is even more the case when coming from countries where registration of persons is not as precise and elaborate as in the Netherlands.

Regarding identification in the asylum procedure, statelessness can thus definitely play a role (interview 9, 10 and 11). The state of exception in the asylum spaces creates a particular experience of statelessness for almost all asylum seekers who have difficulties submitting the required documentation for determining nationality and identity. They are contained in the state of exception that the asylum space embodies.

4.3 Conclusion

When summarising the trend in asylum policy of the last decade in the Netherlands, it becomes clear many developments have been made. Frequently, the intention was to fasten procedures. However, the Research Committee Van Zwol (2019) declared the operation in and execution of asylum procedures is key to increase efficiency. Changing the procedure itself does not lead to higher speed if capacity and information provision are not adjusted to the influx.

With the Vw 2000 and PIVA, steps were made with several actors together, making the asylum chain a more organised and coordinated space. These laws remain the basis of alien policy. At the same time, small changes in stricter policy instruments were made of which some chain actors are not satisfied with. Certainly, it can be hard to unify and assent in co-created processes like this. However, it is the way in which adjustments are made, causing feelings of exclusion from the discussion arena for several actors. This shows the evolution of a state of exception in the spatiality of asylum. This phenomenon can be harmful, especially if it concerns a party that was included to hold another accountable and alert in the first place. The judicature and ACVZ are important elements in this asylum space, making notes to hold the government alert to conform its policies with international guidelines. With this exceptionalisation, the asylum space becomes a contained field, with specific regulations and laws that have been or are being made but still are controversial and disputed. The changes of PIVA, the track policy and broader asylum policies imply this. This is particularly done in the designing and decision process behind asylum.

It appears Dutch migration and asylum policy is mainly focused on keeping outside as many aliens as possible – this is also what the government confirms itself. The Netherlands needs to be as less attractive as possible for new asylum seekers to arrive, although it is not always certain whether restricting pull factors outweigh push factors for migration. Attention and care for (rights of) asylum seekers comes in second place. Securitisation is definitely an applicable term to Dutch migration and asylum policy. There is a great desire to control immigration and integration as much as possible. In interview 13, this was described as problematic; “Placing yourself elsewhere shouldn’t be a criminal act. […] It is unequal how our world is structured, […] migration is a correction to that, a welcoming policy would be supportive in correcting something that is fundamentally unequal.”

The prevailing discourse in the asylum procedure itself comes into practice through the heavy basis on national documentary proof. Within this system, it is assumed every person from every nation-state is registered well and elaborately. This is a problematic way to go. When assuming all nation-states do residents registration the same way the Dutch do, and all people would have the possibility to receive identity papers, Dutch or Western rules and norms are imposed (interview 12 and 13). Citizenship and registration laws determine what citizenship entails and how it can be possessed. In many places, this is where inequality is created. The Netherlands would maintain this inequality through such practices.

The majority of asylum seekers struggle to meet the requirements for identification that is necessary before discussing asylum motives. Examples outlined show lacking documents and protection of a state can lead to the experience of statelessness in asylum as state of exception. Even though they may technically be a national of one state, asylum seekers are treated as non-citizens in the condition of Dutch asylum space. The subgroup of formally stateless is likely to have restricted access to rights

and institutions. As explained, this discrimination can be the exact cause of not having (formal) identification documents.

5. Ways forward for the stateless

This chapter connects the common condition of statelessness in asylum to the narrower, and more excessive, situation of the formally stateless people as a sub category. In line with chapter 4, it starts with another example for the condition of statelessness in the asylum space, namely the requirement of credibility. Afterwards, return and deportation are discussed in the light of the so-called "no fault procedure". This practice is the main way to receive a residence permit as a stateless person in the Netherlands at the moment. This might change soon, following the design of a SDP in which formally stateless persons can be identified. The development of this policy is currently very relevant for the stateless in the Netherlands, therefore it will be illustrated elaborately. At the end, specific implementations of the three relevant Conventions are described in order to demonstrate asymmetry in protection between migrant subgroups.

5.1 (In)credibility

As explained earlier, an asylum case needs to be holistically credible. The reason for implementing a credibility mechanism is paradoxical since it was designed because of the general absence of documents in asylum cases. This is exactly why it is extra complicated when identity and nationality are not easy to prove – or are not registered anywhere. The credibility test has changed over time. Within Vw 2000, the POK-test was implemented. Every asylum case was not allowed to have small inconsistencies otherwise the whole case was seen as incredible. In practice, asylum applications were labelled as incredible before the question on risk at return was even looked into (Geertsema, 2015; INLIA, 2015; interview 12; Scheepers, 2017). According to decision officers of IND, there was too much emphasis on credibility instead of probability of persecution at return (Severijns, 2019, p.118).
In 2015, the POK-test changed into an integral credibility consideration. From now on, the IND would integrally evaluate (documentary) information as a whole. All credible and incredible considered matters are weighed up against each other. In the aspect of identity, this has changed a lot. Previously, if one could not prove identity by documents, the IND could desire the asylum motives were completely positive – with thus a heavier burden. Now it is considered whether the story as a whole is consistent and probable (Severijns, 2019).

Nonetheless, in some cases the question for protection still does not need to be answered[22]. An example is when provenance investigation is decided because documents are found unreal, incomplete or may be fraudulent. Such investigation aims to find out the origin, including nationality, of an asylum seeker. If information given by the asylum seeker is considered to be insufficient for the direct situation of that seemingly place of origin, one's nationality can be seen as incredible. Not having a clear-cut nationality thus complicates the consistency of a story. The heaviest consequence of (unjust) incredible determined nationality/identity, is that the asylum case will not be tested integrally. According to Amnesty International (2020) this is against the lines of human rights because asylum cases should always be about the protection question in the first place.

Several consequences for the individual can be distinguished. Badly registered persons, and especially the stateless, are not easily removeable after rejection. When the IND is convinced a case is incredible and the request for asylum is rejected, an asylum seeker should leave the Netherlands. If nationality and heritage are not determined, it is obviously difficult to determine the country to send one to. In an attempt to still deport, these persons can be presented to relevant embassies. If one recognises the individual as a citizen, (s)he can be transferred to that nation-state, regardless of persecution possibilities. In practice, a part of these asylum seekers start living in illegality in an attempt to avoid

[22] Working instruction SUA for Immigration and Naturalisation Service. WI 2019/4 provenance investigation in asylum cases (2019).

deportation (ACVZ, 2013b). Amnesty (2017) declares the situation in a potential nation-state to go to, outweighs for many persons the (illegal) possibilities in the Netherlands if they have exhausted procedures. Besides experiencing struggles in illegal living in the Netherlands, these people will have difficulties proving their identity in following procedures. A negative decision in provenance investigation is always in a person's disadvantage.

5.2 No fault procedure

All migrants from third countries need to return to their place of origin if they do not possess a valid residence permit (anymore). It is obligatory that a rejected asylum seeker puts effort in its own departure of the Netherlands. The Netherlands has a specific policy for persons who cannot return to their place of origin. This "no fault procedure" targets rejected asylum seekers who have done everything in their power to leave the Netherlands, but could not succeed (Rijksoverheid, n.d.d). Annually, a few hundreds of no fault approvals are granted (ACVZ, 2013b). A frequently seen cause for starting a no fault procedure, is that a nation-state does not take an individual back. However, every nation-state has the obligation under international law to take its own citizens back[23]. This way, the asylum seeker cannot succeed in possessing necessary travel documents. Then, (s)he must gather proof that the nation of origin or earlier residence does not collaborate in the return. Essential here is the principle that the individual is responsible for his return himself, carrying all burden of proof[24].

In short, a no fault permit is granted when: 1) the alien has tried to realise his departure independently; 2) the alien has turned to the International Organisation for Migration (IOM) and also this organisation was not able to support in the departure; 3) the alien has requested facilitation from DT&V for receiving documents issued by the government of the nation-state he could go to but the outcome was insufficient; 4) cohesively the alien cannot leave the Netherlands out of his power; 5) the alien has no residence status in the Netherlands and does not meet requirements for other procedures[25]. After application, the IND checks whether a person meets all these requirements. A weighty advice by DT&V is included.

Imaginably, it can be difficult if there is no clarity which nation-state is responsible for protection in the first place. Examples of stories from persons who have tried to receive identity documents or a laissez-passer[26] but still all doors remained closed for them, can be found in reports by VluchtelingenWerk (2013) and DT&V (2018). These papers show deporting or voluntary return of a person is not as easy as it may seem. The underlying assumption that everyone can return to his/her place of earlier residence or birth, does not apply to persons that are not a recognised citizen anywhere.

The statelessness expert of interview 9 confirms stateless persons often eventually apply for the no fault procedure because their asylum is rejected on credibility and documentary grounds. Stateless persons that have difficulties proving their identity are often referred to the no fault procedure, although statelessness does not play a specific role in it (Jaghai & Vlieks, 2013). These complexities also make it difficult to meet the criteria for the no fault procedure because there cannot be any doubt about a person's identity and nationality[27]. This means stateless persons are already 2-0 behind in being granted asylum. The lawyer of interview 10 sees an increasing number of cases are succeeding in this procedure, if people are documented. In his experience, stateless persons without any

[23] This is linked to the Right of Return, amongst others stated in Article 13 of the Universal Declaration of Human Rights (1948).
[24] Article B14/3.2 of the Aliens Circulaire B (2000).
[25] Article B14/3.2.2.1 of the Aliens Circulaire B (2000).
[26] A laissez-passer is a temporary travel document, issued by the government of the destination country, that allows an individual one-way entrance.
[27] Article B8/4 of the Aliens Circulaire B (2000).

registration at all are still chanceless. For them, problems occur when a residence permit is denied but they cannot return. This can result in vicious circles of illegality and detention (ACVZ, 2013b; Amnesty, 2020; interview 6 and 10). According to Jaghai & Vlieks (2013), distinction should be made between stateless and other groups of asylum seekers. One potential solution for this is a statelessness determination procedure. The next section will describe the political process behind this.

5.3 The value of a Statelessness Determination Procedure

As explained earlier, confirming statelessness is essential before protection by the Statelessness Conventions can be secured. For that reason, eight EU member states have implemented a Statelessness Determination Procedure (EMN, 2020). Such a mechanism is not described as mandatory in one of the Conventions, but identification is implicit (UNHCR, 2011). Every dedicated statelessness determination procedure has its own characteristics since there is no standardised practice: this ranges from written administrative methods to judicial procedures. Stateless persons do not explicitly have the right to residence, but all current European SDP's provide at least temporary residence permits after determination (EMN, 2020).

In 2012, Minister for Migration Teeven asked for research on the relation between the Dutch policy on protection of the stateless and the international agreements. The ACVZ recommended in the report "No country of one's own" to design a SDP with connection to lawful residence and improved support for stateless children (ACVZ, 2013a). In reaction to this, two law proposals were outlined in 2016, one as a design of a SDP and one amended the right of option for Dutch nationality for stateless children. For the first law, a civil procedure is designed, for which anyone can apply ("who has immediate interest"[28]). The individual is obliged to have (free) legal support in order to gather as much as argumentation and documentation as possible in proving their statelessness. A civil judge has six months to consider the request, and a possibility of six months extension.

In consultation, reactions from organisations like ACVZ, NOvA, ISI and the Council of State were generally positive about the compliance to formally identify stateless persons on Dutch territory for the purpose of protection. A few main critical points emerged from each proposal, these will be briefly outlined here.

1. The law proposal for a statelessness determination procedure[29] does not connect any type of residence permit to identification. Residence status is not explicitly required in the Statelessness Conventions, which is also the main justification of the government. The first law proposal of 2016 declares the fear for pull effects when every stateless could apply for this procedure in order to receive residence. ISI (2016, p.3) states identification not resulting in protection is at best meaningless. ACVZ (2016) is not satisfied its advice of 2013 to grant residence status to determined stateless, was not adopted in this draft law. It is said this is denial or even refusal of the duties expressed implicitly and explicitly in the Statelessness Conventions (NOvA, 2016; ISI, 2016; interview 6). Regarding the pull effects, evidence is lacking that an introduced SDP would act as a pull factor for new migrants (European Parliament, 2015, p.10). The pull-factor-argument is based on a purported practice called "asylum shopping". This concept describes the moving an applicant would do between nation-states in order to seek the most favourable outcomes for his case (Radnai, 2017). According to the migration scientist of interview 13 and Mouzourakis (2014), the direct link between an asylum seeker and asylum shopping cannot be made without nuance. Especially in the case of stateless persons, scientific or quantitative evidence lacks.
   Another problem is that the Netherlands would only provide identity papers (whether a Dutch or

[28] Law proposal. Rules concerning the determination of statelessness (Law statelessness determination procedure). 35687, nr. 2. (Dec 2020).
[29] Proposal of Kingdom act determination procedure statelessness (Sept 2016).

an alien's identity card) for lawfully staying persons or persons that have requested for lawful stay. Nonetheless, a determined stateless person should receive identity papers from the government of the territory (s)he resides, if not in the possession of a valid travel document[30]. Whether their stay is lawful of not, does not matter in this case. Therefore, this draft law is contrary to international regulations (Raad van State, 2020). Extra complicated is the requirement that an applicant for the SDP cannot be in another procedure – so also not in the asylum procedure[31]. When applying for determination after the start of an asylum procedure, the SDP is declared inadmissible. Since a temporary residence permit is not granted during the SDP, two negative outcomes are imaginable for persons without legal residence. Firstly, communication between lawyer and individual becomes complicated because a stateless asylum seeker may not have an address (Raad van State, 2020). Secondly, the individual can still be placed in detention because deportation procedures are not suspended. According to UNHCR (2014a) this can lead to undesirable situations. ACVZ (2016) explicitly declares the asylum procedure should prevail, thus not be temporarily stopped during a determination procedure. Whether applying for the SDP is done before or after asylum application – in both situations the request for determination should stand.

With this choice being made in the draft law, it is feared the Netherlands would set a bad example for other countries. It would be exceptional to implement a SDP without connecting (temporary) residence status to determination. This is indeed not a judicial obligation, but it would not correspond with the implicit goals of the Statelessness Conventions.

2. The law proposal for stateless born children in the Netherlands will add few sentences to the current rules for stateless born children with residence. At the moment, they can acquire Dutch nationality after at least three consecutive years of admission and main residence[32]. The law proposal requires main residence in the Netherlands for ten years, of which five years consecutive. This means people do not need legal permission to stay anymore before naturalisation. The requirements for applying for option (i.e. parents have always cooperated with authorities) remain the same. This proposal means differentiation is made between children with and without legal residence, in disadvantage of the persons without residence permit (Amnesty et al., 2016). NOvA (2016, p.3) finds it dubious that 'residence' is explained in this case as 'lawful residence' and that requirements are extended for children without lawful residence. Making distinctions between lawfully staying and unlawfully staying children in the Netherlands can always be seen as discrimination (Amnesty et al., 2016; ISI, 2016). For that reason, it can be seen as contrary to the Convention on the Rights of the Child[33]. The government argues in its defense that the new right for option is a justified distinction in residence status, in which the two groups of children are already more equal than before[34]. However, the Committee on Convention on Rights of the Child (2015, par. 33) recommends the Dutch government ensures all stateless children born in its territory, irrespective of residency status, have access to citizenship without any conditions. It argues for cancelling the requirement of cooperative parents as well, on the grounds of the right to private life[35].

[30] Article 27 of the Convention Relating to the Status of Stateless Persons (1954).
[31] Article 3 of the Rules concerning the determination of statelessness (Law statelessness determination procedure). 35687, nr. 2. (Dec 2020).
[32] Article 6, section 1b of the Kingdom act on Dutch nationality (2010).
[33] Article 2, Convention on the Rights of the Child (1989).
[34] Explanatory memorandum 35691, law proposal for determination procedure statelessness, p.21 (2020).
[35] Article 8, the European Convention on Human Rights (1950).

Despite these critiques, contentment prevails in the development of the draft laws. This is a result of years of political battle (INLIA, 2021; interview 11 and 13; NOvA, 2016). Acknowledgement of statelessness can already be an important step in legal and personal context (ACVZ, 2013a; interview 9 and 13; UNHCR, 2011). The main reason for this is that in further procedures stateless persons can show their proved statelessness. This can be in favour of the individual in an asylum case or the no fault procedure, for example.
This determination procedure would make the asylum procedure more equal for people struggling with proving their nationality. Determination of statelessness will not depend heavily on IND and BRP officers anymore, but an expert in nationality questions will bend over such issues. This improvement has two implications for asylum cases of the stateless. Firstly, the newly added actor in the embodiment of the Court in The Hague, having experience with nationality questions, can do objective and extensive research. Secondly, people that want their status to be determined finally have a specific place to go to. If a case is taken seriously, this can bring relief and rest in personal life (Amnesty et al., 2016; interview 11 and 13).

It remains to be seen how this SDP will work in practice. Connecting the SDP to the asylum procedure, the latter would become a sham according to the lawyer of interview 10. He is convinced asylum seekers applying for statelessness determination will already illustrate their situation in this SDP so the whole question of asylum would not be necessary anymore. Moreover, the SDP as designed in the law proposal would not be convenient or appropriate for everyone. Especially people that have never been documented will encounter difficulties proving their statelessness (interview 9, 10 and 13). Amnesty and other human rights organisations (2016) wonder for who this determination procedure would make a difference. The essential issue of stateless persons that cannot reside lawfully anywhere, maintains to exist.

It is the question whether the proposal of this SDP would be a sufficient start, or whether it is better to not have anything to identify the stateless. Some participants of the expert interviews believe this design is definitely not perfect, but its essential problems will appear once it is brought into practice. Hence, actors in the asylum chain will be able to improve the procedure later. Again, it becomes forward that a quick fix for statelessness is probably always difficult to find (interview 6, 10, 11 and 13).

5.4 Implementation of international frame

This section shortly reviews how the Netherlands has realised the three relevant Conventions. Specific implementations are used as examples to show differences in the degree of protection between refugees and stateless asylum seekers. This symbolises the Dutch interpretation of the international framework.

The international protection frame for migrants, refugees and asylum seekers is founded upon the principle of non-refoulement. When having refugees present on your territory, as a government, it is agreed you need to take care for protection and security of rights[36]. At the same time, this implies that persons without the legal right for residence, need to leave – voluntarily or forced. Logically, governments are not responsible anymore when a person is outside its territories because of the non-intervention rule[37]. It is thus not part of (inter)national policy to check on persons that are deported or have returned. If the non-refoulement principle is well-practiced, this would not be necessary. It seems the Netherlands generally abides by the principle. However, some cases seem to slip through. Stories are known of people that were imprisoned or abused after return (Amnesty, 2017; De Zeeuw

[36] Introductory note, Convention and Protocol Relating to the Status of Refugees (1951).
[37] The principle of non-intervention respects sovereignty between nation-states. It is stated in the article 2.7 of the Charter of the United Nations (1945).

& Van Laarhoven, 2021). The flaws made in these cases vary and depend on the asylum story. Ironic is that the Dutch government is not responsible anymore if such flaws come to light, since the person is already transferred or has left.
Nonetheless, Amnesty (2017) believes there is more the Dutch government and executive institutions could do to prevent risks of human rights violations after return. More research on these potential risks could guide in policy-making. Also, the government should provide correct identity and travel documents, and communication means in order to facilitate the travel.

Rules that should prevent statelessness are acceptably strict in the Netherlands. According to the 1961 Convention, article 6, contracting states cannot retrieve nationalities when statelessness is the consequence. The Netherlands has explicitly affirmed this in its Kingdom act on Dutch nationality (RWN, 2010). According to several participants, this also does not happen in practice (interview 6, 10 and 12). Yet, children are born stateless or with unknown nationality in the Netherlands (Human Rights Committee, 2021). In the Recommendation on the Nationality of Children, nation-states are expected to register children with the status of unknown as short as possible[38]. However, in the Netherlands this registration is valid for an undetermined period of time. Accordingly, there is barely incentive for the government to investigate a person's status in that matter (UNHCR, 2011).

Regarding the integration of the stateless, one principle in particular is carried out well in the Netherlands. International law requests facilitation of naturalisation for stateless refugees[39]. When applying for the acquisition of Dutch nationality, certain requirements need to be met: a person should be integrated; have five years of legal residence; a certain amount of money needs to be paid; nationality and identity should be proven with passport and birth certificate. When having a permanent residence permit for asylum, the last requirement is abolished. Determined stateless persons can request for Dutch citizenship after three years instead of five years, with a lower financial cost. However, they still need to show a birth certificate[40]. This last requirement is only let go in the case of absent evidence. The struggle appears, again, in practice in the requirements that need to be met (ACVZ, 2013a). When statelessness is undetermined, a person does not qualify for this facilitated naturalisation. If one is also not in the possession of a residence permit, it is needed to present a passport in order to naturalise anyhow. ACVZ (2013a) confirms stateless migrants do experience trouble when applying for Dutch citizenship. Especially the condition to show a birth certificate as a determined stateless is controversial. It is pointed out by the ACVZ that facilitated naturalisation is, as intended by the Conventions, meant for both refugees *and* for the stateless. On these ground, conditions should be equalised.

In the examples of statelessness protection, determination and accurate registration would support the government and (un)determined stateless persons in preventing and limiting the consequences of statelessness. Difficult for the protection of stateless persons is that the Statelessness Conventions do not have a foundational basis like the non-refoulement principle. For refugees, this really shapes the basis of their protection (Gillard, 2008). It is acknowledged in the frequently heard statement of human rights organisations that a state would violate its obligations if it would be responsible for exposure to persecution of a person – also when not on its own territory (Human Rights Committee, 2004). Not having such a universal basic principle makes the protection for (un)determined stateless difficult. At the basis is the problematic definition and identification of these persons.

More cooperation would be good to bring policies, laws and procedures in line with each other (interview 9 and 12). This is already done to a certain extent with European guidelines for asylum

[38] Article 8, CM/Rec (2009).
[39] Article 32, Convention Relating to the Status of Stateless Persons (1954).
[40] Article 8, section 4, Kingdom act of the Dutch nationality (2010).

policies (European Parliament, n.d.). It seems the Dutch government is having a hard time achieving protection for stateless persons – or merely any asylum seeker struggling identification requirements. Consequently, the concept "refugee in orbit" is carried on. Even though an asylum seeker is not necessarily a refugee as well, a parallel can be drawn since the person can land nowhere because no one accepts him/her as a rightful citizen (Kumin, 1995). These asylum seekers end up in limbo, sent from one place to another without a procedural start.

5.5 Conclusion

This chapter is built on chapter 4, which introduced several particularities of the Dutch asylum space showing its state of exception. The reliance on documentation and credibility make the asylum procedure difficult to go through successfully or even to get access to, creating conditions of statelessness for any asylum seeker. This chapter zoomed in on the situation of formally stateless asylum seekers to illustrate an even more exceptional example. Linking the asylum procedure to statelessness, the no fault procedure is often a connection made in practice. It is the general way for stateless persons to, possibly, receive a residence permit. Still, this procedure does not cover all cases. It has become clear requirements are difficult to meet for many asylum seekers. In the asylum procedure, this shows the occurrence of statelessness for any person applying. The inaccessibility to rights due to strict demands and heavy burden of proof, especially if one seems to be incredible, demonstrates that lawlessness.

A small section considered the Conventions to show the discourse of the Dutch government within the international protection frame. On the one hand, Dutch policy certainly respects international treaties. However, this SDP design is, again, an example of policy not being led by the ideology of universal human rights. The last decade the government has implemented small policy changes instead of changing the policy *trend* (Amnesty et al., 2016). It has built in safeguards for itself in order to not cross borders of international agreements but to still have the possibility of a shrinking discussion space for security issues (interview 6). The new proposal for stateless born children and their option for Dutch nationality is a good example of this. With its aim to provide facilitated option for nationality, an adaptation could be made to scrape all the conditions for admission for any child (Amnesty et al., 2016). Nonetheless, it is chosen for more additional requirements, creating more distinction between children with and without legal stay.
It seems the Netherlands does not implement the Conventions to its fullest extent. Implicit intentions are sometimes lost out of sight (interview 13). Dutch asylum policy is designed to follow the guidelines, but the external borders of the protection frame are definitely discovered. This is what defines the state of exception in the space of asylum.

Within the asylum space, (un)determined statelessness does not get specific care or recognition. Demarcating these cases could provide these people with adequate procedures, in their advantage to show credibility. This is done by more appropriate requirements for documentation and identification. For the documented stateless, the statelessness determination procedure will be a good start.

6. Conclusion

The starting point of this research was an interest in the potential state of exception within the asylum space. This was linked to the concept of citizenship; the lack of this is understood as a form of rightlessness. This thesis sought to investigate the connection between statelessness and the Dutch asylum procedure, with migration as the context. The initial formal definition of statelessness is presented as a concept when it is described in the context of the Dutch asylum space. The focus on asylum seekers coming to the Netherlands is a judicial example uncovering statelessness. It is demonstrated how the experience of statelessness is an inherent characteristic of the Dutch asylum procedure throughout the research. This is encountered by many asylum seekers and, as tried to illustrate, the formally stateless are an even more excessive example of this.

In order to examine the connection between the two main concepts, explorative expert interviews were held as a way to explore the field. From these conversations, policy documents, law (proposals), news articles and reports were recommended for further investigation. In this way, the researcher could draw patterns between frequently identified issues and remarkable information. By starting the first analytical chapter with a historical review, policy trends became visible. Chapter 4 has portrayed how the Dutch asylum procedure can be considered an exceptionalised space. Chapter 5 has outlined the current and future situation for the connection between statelessness and the asylum space. Concluding remarks are described below.

Through citizenship, human rights are secured. With the current system of nation-states this would clarify which government is responsible for which persons. Citizenship is covered by nationality laws, so every nation-state has shaped the content in its own way. This system implies two relevant things; firstly, citizenships are unequal and not universal. Secondly, people that do not belong to a (recognised) nation-state are excluded. Eventually, a specific group falling between the cracks of this system are stateless persons without protection. Since mid-20th century, an international framework has been established in order to protect the rights of these human beings.

Implementation of that international protection frame has showed differentiations in national trends. At this point, it is concluded securitisation is leading in the Dutch asylum procedure. Adjustments made after PIVA 2010 aimed at fastening procedures, causing dismantling of human asylum policy according to many participants. The exclusion of actors in the asylum procedure and the shrinking space for discussion demonstrates a development into a state of exception. Constantly adding conditions and measurements to the Aliens Act indicate this as well. Having specific regulations and laws demarcates this exceptionalised space. Another interesting finding is that it appears citizenship is mainly explained as nationality in Dutch policies, although it is definitely not the same. It seems unclear when the term is chosen consciously and when the words were mixed accidentally. This is important to distinguish concerning protection of rights.

On paper, the 8-days-procedure is the same for everyone. However, using the concept of statelessness as a lens to analyse asylum, emphasised factors of inequality in the asylum procedure. This was noticed in for example the track policy, the burden of proof and the credibility relevance. Asylum seekers are differentiated directly after arrival. This is strongly connected to identification and documentation. (Un)determined statelessness never is a decisive factor in asylum in itself, it does not automatically lead to legal residence or asylum.
The negative assumptions on asylum seekers, inaccessibility to certain rights and the heavy reliance on formal documentation before identification reveal a general position of rightlessness. The examples outlined in the fourth and fifth chapter show the notion of statelessness can be felt by all asylum seekers in the Dutch procedure. Because a state of exception is created, it has become possible

to treat these persons as non-citizens. Statelessness is thus concluded as a general condition in asylum with which many persons have to deal. Therefore, it may be considered to let statelessness play a role in asylum. Although the Netherlands does have specific policies and regulations for stateless persons, it is not sufficient in the space of asylum. A better understanding for asylum cases lacking registration and identification documents could improve the correctness of decisions. At the moment, being granted asylum can be more difficult for (un)determined stateless, who can experience rightlessness even more, than for asylum seekers with clear citizenship documentation. For these reasons, a statelessness determination procedure would be a good start. It begins with defining the group and distinguishing it. Only then, adequate attention can be given to these asylum cases, providing the individuals in these procedures a more fair and just case. It can be concluded the statelessness lens is certainly productive and interesting to investigate asylum because it reveals practical outcomes of the state of exception.

When considering the formal definition of statelessness, it seems its complexity is a hidden subject in Dutch society. It was found that actors in the asylum chain mainly do not have expertise departments on statelessness. From the expert interviews it appeared few people have specific knowledge on these cases. Literature found on statelessness is often academic. The knowledge on this mainly derives from practical cases and experiences. Also, information found was always and alone about the formally stateless. Using statelessness as a condition or its consequences to describe a situation or connecting it within a certain context is rarely done. It seems science is one of the few sectors working on asylum in which people have specialised themselves in the subject. Although lawyers may be more knowledgeable on the practical outcomes – still there are few experts. At this point, it is difficult to say why. This question could be investigated in further research.

Much is unclear on the experience of statelessness in the Netherlands. Procedural clarity and clear guidance would help to identify the size and shape of the problem. Data on statelessness that actually is available, for example from research of ACVZ, still needs to be handled with care and understood correctly. Sometimes the lack of political will or expertise could be a problem here. This has come forward from both the expert interviews and policy analysis. Regarding this, it must be said it seems knowledge lacks on stateless persons as a subgroup whatsoever. The concept and its consequences are generally unknown. At this point, it is difficult to say why, since this was outside the scope of this research.

Differentiation in citizenship creates differentiation in asylum space. Apparently there is an inherent need to identify citizens, thereby excluding non-citizens at the same time. This puts (un)determined stateless asylum seekers in a difficult situation, because they already do not belong anywhere. The trend in Dutch asylum policy is not in line with implicit aims of universal protection of human beings and their rights. For a couple of years now, the Ministry is creating small safeguards in policy for itself. An alternative discourse in migration could shift this securitisation trend. Understanding migration as a human process, as a correction to inequality, could help us providing adequate support for asylum seekers experiencing statelessness conditions.

7. Discussion

This chapter assesses the limitations of this research. At the end, recommendations will be given for further research on related topics.

7.1 Commenting and evaluating the results

The aim of this thesis was to investigate the relationality between citizenship, security and the asylum space. The scientific addition of this research approach is the connectivity between these three concepts. It appeared interesting to investigate, because a direct association between statelessness and the asylum procedure was not easy to find. Therefore, it was decided to start by drawing the field. The current situation regarding asylum policy in Europe and the Netherlands was illustrated. With this, the securitisation trend became visible. Subsequently, the emphasis was laid on the specific topic of statelessness and citizenship as a role in the asylum procedure. This outline was logical because of the amount of information on the Dutch asylum field itself.

The choice to start with this broad view and to narrow down was also linked to the research design adjustments due to COVID-19. Diverse methods and aims were considered for this research, therefore a load of information was gathered. This made it challenging to narrow down and stay focused on the research question. The choice for a funnel analysis can be questionable. It proved to be difficult to really go in depth in certain concepts and policy issues. Many subjects were touched a bit lightly. Full research projects can be designed about, for example, the Dutch SDP, Aliens Act 2000, PIVA, track policy or the no fault procedure. Yet, it was chosen to mention all these subjects and to proceed to the specific matter of statelessness. The reason for this is that elaborating on these phenomena and perspectives, definitely also relevant, would take the attention off of the research question. Together, these topics shape the relationality of citizenship and the asylum procedure in the migration field.

Besides, the integrated explorative expert interviews did have some limitations. As the beginning of the policy analysis, it directed the way in which the research went. Interviewed participants always bring their perspectives and experiences with them. Subjective stories and specific examples may not be generalisable. Therefore, this data needs to be interpreted with caution. The limited arena that was explored, is affected by the documents participants recommended. Nonetheless, this can still be an interesting case study.
This links to the expertise of the researcher herself. The interpretation of policy documents is always subjective. Also, the amount of time did have influence on the possibilities of the research.

7.2 Recommendations

To understand the relevance of this study in a broader way, further research should be conducted. Additional research can provide guidelines to deal better with the situation of stateless (rejected) asylum seekers in the Netherlands. To start, the availability of more data on statelessness in general in the Netherlands would be helpful. The question *why* there seems to be a lack of information and expertise on stateless migrants is an important one to start with. A potential connection with the increasing securitisation or crimmigration trend could be revealed – or not. It should be investigated whether concepts like judicial passivism or the burden of proof and identification do play a role here. Analysing this would contribute to policy suggestions for efficiency and effectivity. Organisations like IND, Amnesty International and VluchtelingenWerk do share some statistics and societal implications in reports, but the subject itself does not seem to be a priority among the public and in the realm of politics. Provision of information on this subject could help understanding and managing it better.

As explained before, data that actually is available, excludes often the conditions and understandings of statelessness. Not only the amount of formally determined stateless persons is important, but also the notion of the concept itself. Furthermore, it would be relevant to investigate whether the difficulty

to find experts on migratory statelessness is characteristic for the asylum field. In this research, it was assumed the reason for this was the lack of a direct connection between statelessness and the asylum procedure. However, this should be studied more carefully in order to understand the chain actors and their priorities better.

Lastly, qualitative research with (stateless) asylum seekers and status holders is advised. This could be an alternative approach to do policy analysis. Investigating qualitatively what target persons of policy perceive and how their reality is produced, makes the outcomes of policy visible. Consequences of Dutch policies and regulations will be seen in a new light when stateless asylum seekers can talk about their perceptions of security and how this might be threatened in cases of (a decrease of) lawlessness. This research has described the security position of asylum seekers in the Dutch asylum space, but the gradation in individual *experience* of rightlessness can only be researched when asked to the people themselves. In the context of citizenship, comparing formally determined stateless asylum seekers to other asylum seekers, could provide new perspectives on personal experiences of security of rights.

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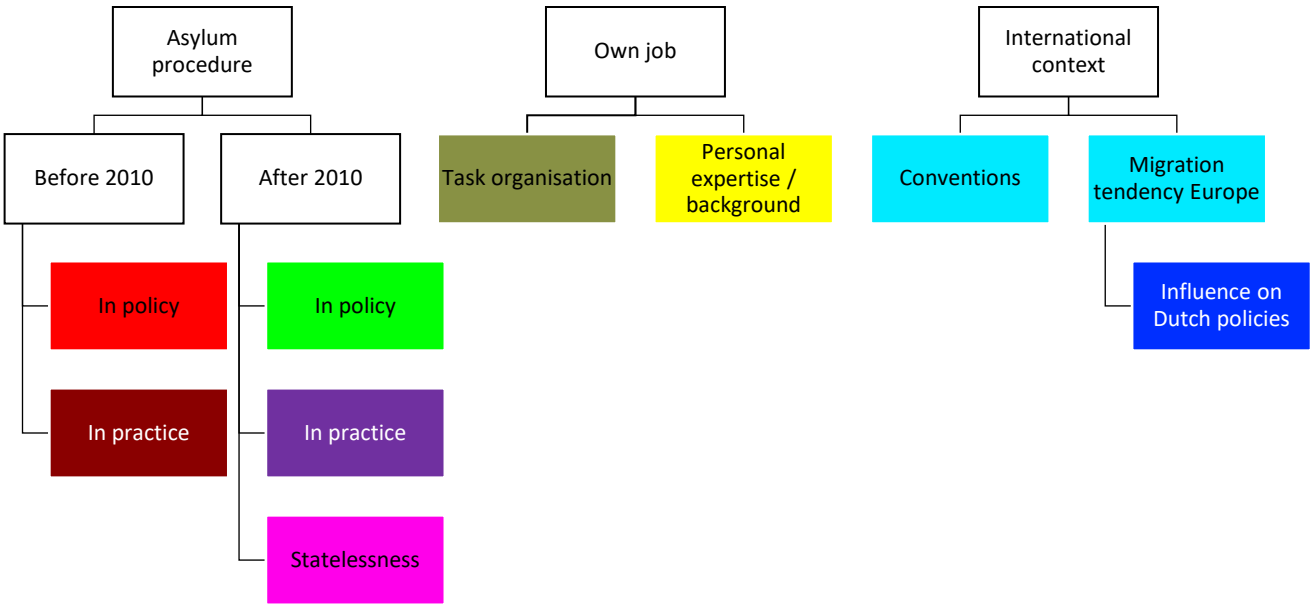
Pictures and infographics

1) Wall painting at Lesvos, Greece. Made by Astrid van Buul on June 15th, 2019.
2) Schematic overview of the main concepts. Made by Astrid van Buul on May 20th, 2021.
3) Overview of the Dutch asylum procedure. Asylum seeker. *IND*. Retrieved on 18-06-'21 from https://ind.nl/en/asylum/Pages/Asylum-seeker.aspx.
4) The 8-days general asylum procedure in the Netherlands. Made by Astrid van Buul on June 21st, 2021.

Appendix 1: Topic list

- Personal information
  - Job and organisation/institution
  - Experience in migration field
- Dutch asylum procedure
  - How does the Dutch asylum procedure work in practice?
  - Involved actors
    - Role of your organisation
    - Communication with others
    - Working together with others
    - Relationships between organisation and the asylum seeker
      - How to get in touch?
        - Assigned / own preference / random?
      - How often meetings?
        - Individual or with another actor?
  - Determination of statelessness
    - Sufficient documents (which)
    - Procedure different when stateless?
    - Returning different when stateless?
    - Receiving residence permit different when stateless?
    - Law proposal determination procedure for statelessness
      - Opinion
  - Naturalisation in The Netherlands
    - Link with residence permits
    - Different when stateless
  - Other differences in rights between people being stateless/not?
- International migration policies and regulations
  - Influence in Dutch migration policies
    - Trend over the years
    - impacts for Dutch asylum procedure
  - Three Conventions
    - Non-refoulement principle
    - Definition and protection of stateless persons
    - Prevention of statelessness and reducing it
- Recommendations / advices

Appendix 2: Coding tree



Appendix 3: Explorative expert interviews

Date	Number	Organisation	Expertise
09-11-'20	1	VluchtelingenWerk	Team leader.
11-11-'20	2	VluchtelingenWerk	Legal service.
13-11-'20	3	An NGO for children's rights	Front office Migration.
27-11-'20 11-02-'21	4.1 4.2	VluchtelingenWerk	Team leader POL.
09-12-'20 15-02-'21	5.1 5.2	VluchtelingenWerk	Team leader AZC.
06-01-'21	6	An NGO for children's rights	Children's Rights and Migration.
11-01-'21	7	Asylum lawyer	Asylum cases. Board member VAJN.
14-01-'21	8	VluchtelingenWerk	Team leader AZC.
16-02-'21	9	An NGO for refugees	Statelessness expert.
16-02-'21	10	Asylum lawyer	Statelessness expert.
08-03-'21	11	IND, Direction Juridical Matters	Expert on (Dutch) nationality.
15-03-'21	12	A Dutch municipality	Asylum and Migration.
14-04-'21	13	University	Scientific expert on Migration Law.