

# COST Action Blog: A Legal Identity for All?

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*Blogs are written by COST Actions*



The History of Identity Documentation in European Nations ([HIDDEN](#)) network unites scholars in history, migration studies, geography, sociology, law, linguistics, postcolonial studies, human rights and more to look at the history of ID regimes in Europe and beyond, drawing connections between the past and present.

Dr Eve Hayes de Kalaf from the Institute of Historical Research, University of London, was the recipient of a HIDDEN grant to carry out a Short-Term Scientific Mission in the Netherlands. Here she shares her experience and learnings from the CitizenGap Project.

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Undocumented persons are typically assumed to be migrants. Currently, however, one in seven people around the world still lacks the essential documentation they need to evidence that they are indeed citizens. In his book *The Invention of the Passport*, John Torpey reminds us of the importance of documents as they "...constitute the 'proof' of our identities for administrative purposes, and permit states to establish an enduring embrace of those admitted into their communities..." (Torpey 2000, 166). But what happens when a state struggles to determine a person's legal identity, or when contestations emerge over

the community to which a person claims they belong? These questions are becoming increasingly urgent over the coming decade as the United Nations strives to achieve its highly ambitious Sustainable Development Goal 16.9 of providing legal identity for every living person on this planet by 2030.

## Statelessness, Inclusion and the Sustainable Development Goals (SDGs)

To learn more about the activities taking place in the run-up to the 2030 SDGs, I headed to the Netherlands on my first ever Short-Term Scientific Mission (STSM). My first port of call was a visit to the new offices of the Institute on Statelessness and Inclusion (ISI) in Rotterdam. I first encountered this organisation back in 2014 when I secured a scholarship with the UN Refugee Agency (UNHCR) to take part in their week-long statelessness course at the University of Tilburg. The experience helped me better understand the international approaches to tackling statelessness which take inspiration from a human rights-based framework. Upon arrival at ISI, I met with their Programme and Education Officer Vera Karanika and Stefania Tantimonaco, a Programme Assistant. Together, we discussed ISI's current UN-level work with stakeholders in Geneva and New York as well as their ongoing engagement with in-country NGOs and activists on statelessness and nationality issues.

It was good to reconnect with ISI colleagues. Two years prior to my visit, we had organised the conference *[\(Re\)Imagining Belonging in Latin America and Beyond: Access to Citizenship, Digital Identity and Rights](#)* as part of my fellowship with the Centre for Latin American and Caribbean Studies (CLACS) at the University of London. This event examined [emerging research](#) which is providing some uncomfortable insights into the use of modern-day identity-based development 'solutions' to discriminate against some minority groups. My recent book *[Legal Identity, Race and Belonging in the Dominican Republic: From Citizen to Foreigner](#)* (Anthem Press, 2023) evidences how the state used its civil registry to block documented Haitian-descended people – who had a legal right to citizenship – from obtaining or renewing their Dominican identity cards. In recent years, ISI has created numerous educational resources and tools for NGOs and governments to highlight issues such as the Dominican case. This includes their recent publication *[Surviving Statelessness And Trafficking: A Rohingya Case Study Of Intersection And Protection Gaps](#)*. The ISI has also created a [Database on Statelessness and Human Rights](#) which aims to support adherence to human rights standards by helping users compare and analyse global data.

Their upcoming [World Conference on Statelessness](#) will take place in Kuala Lumpur in February 2024. This major event will be of interest to HIDDEN members as it will bring together over 300 participants to share their professional and lived experiences of statelessness.

## Digital Technologies, Racial Profiling and Bureaucratic Exclusion

During my visit, I spoke briefly with Dr Frederiek de Vlaming, a criminologist specialising in international criminal law and transitional justice who is currently working with Suriname migrants. Her research includes a focus on children who are born Dutch citizens yet face challenges in proving their status due to a lack of paperwork. I also reached out to the team at the Dutch NGO [ASKV Refugee Support](#), an Amsterdam-based organisation that provides legal and social assistance to people unsuccessfully applying for refugee status. ASKV has worked on the Dutch Childcare Benefits Scandal, the *toeslagenffaire*, which in 2019 erupted into controversy when the tax authorities were exposed for having implemented an algorithm that flagged suspected fraudulent profiles to state officials. These actions raised serious questions about the use of ID systems to [racially profile](#) ethnic minorities and their families and highlighted serious limitations with the [use of artificial intelligence](#) in modern bureaucracies.

The Dutch Childcare Benefits Scandal has strong parallels with the current project I am working on: [The Windrush Scandal in a Transnational and Commonwealth Context](#). In 2012, the UK government launched its hostile environment strategy which consisted in a supposed crackdown on illegal immigration. Notwithstanding, in 2018 it emerged that Black and Asian people from the Commonwealth, who had already settled as citizens of the UK and colonies, were being forcibly and wrongfully detained and removed from the country. The Home Office attempted to reason that the scandal was due to widespread government ineptitude and ignorance. Yet improvements in digital technologies, government communications and information-sharing systems made it easier for immigration officials to identify the individual cases of persons whose legal status was in doubt.

## The CitizenGap Project

I was very grateful to receive an invitation from the Institute for Social Science Research (AISSR), University of Amsterdam, to give a lecture on the Windrush Scandal to PhD students currently working on issues of citizenship, migration and ID. As a collective, we agreed there needs to be greater understanding of identity systems in a postcolonial context. The lecture was hosted by Dr Imke Harbers associate professor of political science, University of Amsterdam. In 2020, Dr Harbers was awarded a major European Research Council Starting Grant for her project [CitizenGap](#).



A warm welcome from the CitizenGap team and colleagues at the University of Amsterdam

Currently in its second year, CitizenGap is a timely initiative examining how people navigate their day-to-day lives when a system fails to acknowledge their legal existence. The project also looks at how and why states choose to invest in civil registrations. Overall, the project seeks to reframe current thinking about the role of birth registrations, biometrics, voter ID and welfare in challenging and (re)defining a person's legal status.

## Registrations, Resistance and Remembering

I was determined that my trip would not be all work and no play, so I took myself sightseeing in Amsterdam. Some of the highlights included a boat tour of the city, a visit to Madame Tussauds and entry to ARTIS Amsterdam Royal Zoo with my daughter. Unexpectedly, however, I also stumbled across an important commemorative plaque that really brought

home the relevance of the HIDDEN network. The plaque paid homage to persons killed on 27 March 1943 during a bomb attack the Dutch resistance had led against the Amsterdam civil registry. The Nazis were using the registry to [identify 70,000 Jews](#) living in the city. They took advantage of these details to then cross-check the information recorded on people's identity cards. The discovery of this plaque then led me to explore the fantastic [Dutch Resistance Museum](#) which has a thought-provoking exhibition on identity documentation during the Second World War. The museum provided a stark and moving reminder that, when abused, bureaucracies and identity systems can play a central role in the targeting, identification, and, horrifyingly, the extermination of selected 'undesirable' minority groups.