

**A Child without a Country:
How Statelessness Affects Children in the Americas.**

By Van C. Evans
April 24, 2009

A Child without a Country: How Statelessness Affects Children in the Americas.

Abstract

It is estimated some 12 million people around the world are stateless. Statelessness is the lack of a valid nationality. No one suffers more from statelessness than children. Lack of adequate birth registration prevents children worldwide from receiving benefits of medical care, early child and primary education, employment, freedom to travel, legal redress, and the right to vote and determine one's future. Stateless children are vulnerable to child labor, including the worst forms of child labor (WFCL), trafficking, education discrimination, and abandonment as numbers of street children worldwide increase. This article defines and explains common causes of statelessness, reviews international agreements and pending contradictory legislation in the US intended to reduce or exacerbate statelessness within its borders and abroad, discusses the ills of statelessness, and offers recommendations for the reduction of statelessness.

©2009 Van C. Evans. All Rights Reserved

Introduction

*“For children to count they must be counted.
To deny children their legal documentation,
their names, [and] their identity is to jeopardize their
very lives and to deny them a future as citizens.”*

— Harry Belafonte, for UNICEF¹

Some 12 million people around the world are stateless.² This is approximately the population of the state of Pennsylvania or a medium-sized country like Guatemala or Belgium.³ Statelessness is the lack of a valid nationality. Having a nationality is a crucial element of modern day life. The lack of it affects and corrodes nearly every part

of a person's life, isolating them from a valuable sense of belonging and personal identity, while preventing them from legal protection and quality of life services.

While nearly all suffer from the effects of statelessness, it can be argued that infants, children, and adolescents suffer the most. Stateless children are found in diverse circumstances. Some have been forced out of their homes and are internally displaced or are refugees in another land.⁴ Others have voluntarily immigrated into different countries but the host states do not recognize them. In the majority of cases, stateless children have been born and reared in their parents' country of residence but lack records or other formal recognition of their existence. This is due to poor record keeping, dissolution of the political state or realignment of its borders, religious and ethnic cleansing policies, and corruption. Through no fault of their own, these children inherit a world that limits their future and safety. Statelessness often tears at the institution of family in a variety of ways and children become highly vulnerable to abandonment, roaming the streets, trafficking, and the worst forms of children labor (WFCL).

With the onslaught of globalization and ethnic conflicts in recent decades, statelessness as an issue is becoming more pressing and countries are beginning to grapple with policies that affect it. Chile and Brazil have both revised their constitutions in order to reduce statelessness, and Finland, Rwanda, New Zealand, and Brazil recently joined the small group of states (there are now 35) that have signed the 1961 Convention on the Reduction of Statelessness.⁵ The USA is not one of them, and has refrained from ratifying other similar international treaties as well with the intention of,

as one congressional legislative director put it, "preserving rights of sovereignty."⁶

Despite this, the USA and other countries can and should take further action to reduce the problem. Recently, Congresswoman Sheila Jackson Lee (Texas-D) has introduced a bill to the 111th Congress to this end. The purpose of H.R. 72 is: "To increase global stability and security for the United States and the international community by reducing the number of individuals who are *de jure* or *de facto* stateless and at risk of being trafficked."⁷ In addition to states' laws, the United Nations (UN) can promote further action to reduce the consequences of statelessness. For example, simply by ensuring that all children are registered in the country of their birth (e.g., birth certificates), nations would go along way in guaranteeing that children can live productive and free lives. In 2000, an estimated 50 million babies born in different parts of the world were not registered. Petra ten Hoop-Bender, Secretary General of the International Confederation of Midwives declared, "Almost two fifths of the world's children are born without being registered. Unregistered and undocumented children are extremely vulnerable to exploitation of every kind. They are marginalized from birth, as there is no official recognition of their existence."⁸

In his book, *The Mystery of Capital*, the Peruvian Hernando de Soto argues that individuals in the developing world are held back economically by a lack of documented title to their lands or businesses. Without clear title, he argues, there is no way to collateralize one's property for loans and other capital improvements. Again, without clear title, those in developing nations who seek to improve their lot must do so in extra-legal forms—practices outside the bureaucratic "red tape," but also outside legal

redress as well. In doing so, they run increased risks of being vulnerable to extra-legal activities such as usury, profiteering, extortion, bonded servitude, and so forth.

Developed nations prosper, according to de Soto, because they have systems that allow their citizens to leverage personal titled financial capital.⁹ In like manner, human capital is increased in nations if their citizens begin life with a birth certificate. A child who is registered at birth has “title” to (i.e. becomes eligible for), *inter alia*, medical services, education, employment, legal protection, and travel privileges within that country. Until they arrive at the age of adulthood and can contribute as productive members of society, children are almost entirely the consumers of many of the services states provide.

Children may become stateless because their parents lack financial means to document their birth or due to discriminatory laws relating to birth registration, especially when nationality is based solely on parentage (often only that of the father).¹⁰ Under international law, stateless children possess almost all rights granted to other children but in practice they are often unable to exercise these rights due to national laws and practices. Statelessness, whether *de jure* (by right, according to law) or *de facto* (in fact, in actual existence), has deep developmental consequences on children.¹¹ Without legal identity, children not only are deprived of education and social services previously mentioned, but they are also exempt from democratic rights that might otherwise ensure a better future. They cannot vote or run for election. They become politically invisible and voiceless.

Birth registration is just one example of the steps that can be taken to ensure a

hopeful future for children across the world. This paper attempts to identify some of the causes and consequences of statelessness among minors, especially in the Americas, identifies pending legislation that affects statelessness or immigration in the US, and concludes with recommendations to governments, the United Nations, and the US with the goal of improving, enforcing, and changing policies to protect every child's right to a nationality.

International Agreements

On 10 December 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. Article 15(1) declares, "Everyone has the right to a nationality."¹² In addition to this declaration, other legal instruments have been drafted for the benefit of stateless persons. The first international agreement drafted was the 1954 Convention relating to the Status of Stateless Persons. Originally intended as a Protocol to "oversee the implementation of the 1951 Convention relating to the Status of Refugees,"¹³ the 1954 Convention was instead adopted separately to deal with "internally displaced persons and stateless persons around the world" not already covered by the 1951 refugee Convention.¹⁴

The 1954 Convention relating to the Status of Stateless Persons defines a stateless individual as one "who is not considered as a national by any state under the operation of its law."¹⁵ That individual may also be a refugee or undocumented immigrant. As of November 2007, only 62 states are party to this agreement. The

1961 Convention on the reduction of Statelessness differs from the former conventions in that it addresses causes of statelessness by creating rules for attribution of nationality and preservation of nationality where statelessness would otherwise occur. At this writing only 35 are party to the 1961 Convention on the Reduction of Statelessness.¹⁶

A number of other international instruments¹⁷ also refer to nationality and protection, and wellbeing of the child. The International Covenant on Economic, Social and Cultural Rights also requires contracting states to provide elementary education to children within their borders, although some do not comply.¹⁸ Finally, the 1989 UN Convention on the Rights of the Child included nationality as a vital right for children. Article 7 states, “1) the child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents; and that 2) State Parties shall ensure the implementation of these rights in accordance with their national laws and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.”¹⁹

How Children Become Statelessness

One obtains nationality through three methods: by blood, by birth, and by naturalization. Citizenship by blood, referred to as *jus sanguinis* (right of blood), is obtained by the newborn through one or both parents. This citizenship is awarded to the newborn irrespective of the country where he or she is born. Alternatively, a

newborn child obtains nationality from the country of birth regardless of parental citizenship through citizenship by birthplace, known as *jus soli* (right of soil).

The fourteenth amendment of the Constitution of the United States guarantees: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”²⁰ The amendment was born out of the end of the civil war and subsequent emancipation of slaves that produced statelessness among humans that were previously registered as property.²¹ By 1868, most states had ratified the amendment, giving former slaves the full rights embodied in the Constitution. The clause “subject to the jurisdiction thereof” was originally intended to provide for children of foreign diplomats residing in the US to be born citizens *jus sanguinis* of their parents’ country of origin. Children born on US soil to illegal immigrants are sometimes referred to as “anchor babies,”²² because the fourteenth amendment guarantees their right to stay in the US and provides a path for their parents to obtain legal citizenry. Currently, the clause is in dispute by some members of Congress and a bill, H.R. 994, has been introduced to interpret “subject to the jurisdiction thereof” to exclude undocumented immigrants in the US, who are foreign-born and have babies while living and working in the US illegally.²³ For example, a US newborn whose parents are Mexican-born living in the US may, in fact, be of Mexican citizenry by virtue of *jus sanguinis* and thus not entitled to birthright sanction under the fourteenth amendment. Specifically, Title III, Section 301 of the bill intends to amend the fourteenth amendment and reads, “(b) DEFINITION—Acknowledging the right of birth-right citizenship established by section 1 of the 14th amendment to the

Constitution, a person born in the United States shall be considered 'subject to the jurisdiction' of the United States for purposes of subsection (a)(1) 16 *if* the person is born in the United States of parents, one of whom is—

(1) a citizen or national of the United States;

(2) an alien lawfully admitted for permanent residence in the United States

whose residence is in the United States;”²⁴

Should the bill pass, newborns subject to the bill would not be entitled to not only citizenship, but medical care and other social services provided in the US without direct payment, and may be the seed to contest a Supreme Court ruling 25 years ago on education.²⁵ Charles Kuck, President of the American Immigration Lawyers Association says H.R. 994, also known as the Loophole Elimination and Verification Enforcement (not coincidentally “LEAVE”) Act, has a “zero chance of passing.” President Kuck further remarked that the LEAVE Act is, “designed to kick immigrants out of the US and to make our immigration laws virtually unworkable for anybody. It is another attempt to appeal to the anti-immigration fervor of the past few years.”²⁶ In response to whether the “subject to the jurisdiction thereof” clause has any merit, Mr. Kuck replied, “If that interpretation is true, and they are not subject to our jurisdiction [as with diplomats], then why are we arresting them? Why are we charging them with crimes, for if these laws don't apply to them, they should just be deported or have diplomatic immunity.”²⁷

Should the LEAVE Act pass, it would be in direct opposition to H.R. 72, noted earlier, which opens the way for stateless children on US territory to become citizens by ratifying UN instruments. Section §4 (B) 2 reads: “It shall be the policy of the United

States to comply with the principles and provisions of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness to the fullest extent possible and to encourage other countries to do so as well.” The LEAVE Act, sponsored by Rep. Gary Miller [R-CA], would ultimately violate the provisions of the 1954 and 1961 Conventions. When asked about implications regarding the LEAVE Act, staff interviewed at Rep. Miller’s office declined to comment.²⁸

The third method by which one obtains citizenship is through naturalization, a process by which a person can change from one nationality to another. Each state regulates naturalization. Requirements for naturalization vary from country to country, but may include years of residency in the host country (specified as the country of “habitual residence”²⁹), having economic status, passing one or more tests, or marrying a person who is a citizen of that country. Children, of course, are too young to perform these requirements on their own behalf, thus naturalization is often beyond reach through traditional bureaucratic channels.

Even if children are registered at birth, migrating parents may lack birth certificates of their children if the governmental infrastructure in their country of origin is inadequate to provide proof of citizenry because the records are lost, destroyed, or otherwise unable to locate. Frequently, government agencies do not have good facilities or storage systems for the safekeeping of citizenship documents that may be destroyed or suspended during conflict or disasters. Thus, a child can become stateless if there is no formal documentation to link them with a particular country. The turmoil of mass refugee movement can overwhelm authorities in the original country as well as the host

country. Separated or abandoned children may be left without any proof of lineage or nationality. This is the case in present day Colombia, where there were 27 massive displacements due to the 20-year guerrilla war with almost 95,000 displaced registered in just one department of the country as of April 2008. As the Colombian government continually pushes the insurgents further south, the southern-most Department of Nariño has born the bulk of internally displaced persons. Observers from Refugee International note that, "The under-registration and rejection rates for the internally displaced in Nariño remain very high."³⁰ Thousands have also crossed the Nariño border into Ecuador, making them undocumented refugees. The UN is taking steps to ameliorate the Colombian refugee issue, as funding has been provided for Ecuador to open an office to register refugees. The new office, located a few kilometers from the Colombian border in the northern city of Lago Agrio, will carry out interviews to decide the eligibility of asylum-seekers who are applying for refugee status. With around 18,000 registered refugees coming mostly from Colombia, Ecuador has the largest refugee population in Latin America.³¹ While mass refugee movement is apparent during conflicts between nation states, as is frequently witnessed in Africa or east Asia, it is no less an issue for border crossings by Latin Americans on the US southern border, where "undocumented children crossing the border into the United States" are "...those coming from Mexico and as far south as Ecuador."³²

Another way for a child to become stateless is if he or she is born to parents who are from different countries whose laws treat men and women differently. Some countries determine a child's citizenship based upon the father's nationality, such as the

Dominican Republic. Hence, children whose fathers are stateless, who are born out of wedlock, or whose mothers are separated from their fathers face hurdles to registration. Further, a father may abandon his children or may not be able to complete the requirements to register his children. If a woman cannot prove connection to her spouse, children who are a product of that union may remain stateless. For example, in 2004, the Dominican Congress approved a new General Migration Law that has, in effect, made it prohibitive for a woman to register her newborn, unless the “father is Dominican, [then] the children of a non-resident woman can be registered at the Civil Registry Office in the place of birth.”³³

There are approximately 650,000 Haitians without nationality in the Dominican Republic. A woman’s right to pass on her nationality to her children is protected by article 9 of the Convention on the Elimination of All Forms of Discrimination Against Women which decrees that women shall be granted “equal rights with men with respect to the nationality of their children.”³⁴ As of 2006, there are 185 countries party to the Convention, and since it came into force in 1981, at least 20 countries have changed their citizenship laws to give women the right to pass on their nationality to their children.³⁵

Thus, as is policy in the US, nation states harboring refugees should grant nationality to refugee children born on their soil, otherwise these children would remain stateless as parents cannot acquire proof of their citizenship from their country of origin. Even in countries where *jus sanguinis* is recognized over *jus solis*, and children have the right to their parent’s citizenship, in practice accessing proof of documentation

can be difficult or impossible, thus leaving the children *de facto* stateless.

Advantages to Becoming Documented

Birth registration establishes a child's legal identity and the nation's responsibility for that child. It is the basis of many human rights integral to a child's development and welfare. UNICEF's fact sheet on birth registration³⁶ identifies these rights and needs, including:

- Providing access to health care;
- Providing access to immunization;
- Ensuring that children enroll in school at the right age;
- Enforcing laws relating to minimum age for employment, handicapping efforts to prevent child labor;
- Effectively countering the problem of girls forced into marriage before they are legally eligible, without proof of age;
- Ensuring that children in conflict with the law are given special protection, and not treated (legally and practically) as adults;
- Protecting young people from under-age military service or conscription;
- Protecting children from harassment by police or other law enforcement officials;
- Securing the child's right to a nationality, at the time of birth or at a later stage;
- Protecting children who are trafficked, and who are eventually repatriated and reunited with family members;

- Getting a passport, opening a bank account, obtaining credit, voting or finding employment.

The Impact of Statelessness on Healthcare for Children

For stateless children, health care may be less readily available or more costly than for citizens, and since they are not clearly defined as refugees or internally displaced, medical services offered by international relief agencies remain out of their reach. As of 1998, children without birth certificates could not be legally vaccinated in at least twenty countries and more than 30 countries require documentation to treat a child at a health facility.³⁷ Stateless children are more likely to live in risky environments, including the streets, as noted below, and are at much higher risks for “physical health, mental health, and sexual health”³⁸ problems.

Much is being debated about providing health care to undocumented children in the US. While vaccinations are provided to undocumented children by state and county health centers, more serious illnesses are not covered by state Medicaid insurance.³⁹ Hospitals are facing the dilemma of rationing expensive life-saving care such as transplants, chemotherapy, and dialysis. To remain financially solvent, “no margin – no mission” has become the bottom line for many medical institutions, yet there are serious ethical, public health, and other costs when they deny children needed care. Undocumented children in the US are often at the mercy of the policies of local health care institutions if they are unable to pay for services. Studies show that most lack

health insurance because their families cannot afford the premiums.⁴⁰

The Impact of Statelessness on Early and Primary Education for Children

The international community in recent years has recognized primary education as a right and the UN places universal primary education as goal number two in the eight Millennium Development Goals, regardless of national status.⁴¹ Primary schooling must be free of charge and compulsory for every child. Early education gives children tools to participate in society and understand the world around them. The more education a girl has, there is a greater tendency she will marry later. Education for stateless children becomes crucial if they are to have a voice in their country of habitual residence. In some nations, such as the Dominican Republic, stateless children cannot enroll in school at all.⁴² In other nations, understandably, families are told their children can attend public school only if space is available after citizen children have registered. In most cases, stateless families do not have the resources to send their children to private school if public schooling is unavailable to them.

In addition to primary education, UNESCO (2006) reports that by 2006, 30 countries had adopted policies for compulsory pre-primary education. This is a recent development, with fully half of the policies for required pre-primary attendance enacted since 1995. Countries that have lowered their school entry ages to include the pre-primary years are heavily concentrated in Latin America.⁴³ Starting in 2009 in Mexico, compulsory education will begin at age three.⁴⁴ Evidence is emerging that pre-primary

education in Latin America is also benefiting children in gains in weight, height, and general health (17% of children in Latin America are stunted due to malnutrition).⁴⁵ Countries in the Americas and Europe have far more generous policies to early and primary education for undocumented children than the rest of the world.

Early and primary education for the undocumented in the US is no longer an issue. More than a quarter century ago, the US Supreme Court, in a 5-4 decision, ruled that illegal or undocumented immigrants could receive free public education. Justice William J. Brennan wrote that refusing to provide an education to the children of illegal immigrants would result in a "subclass of illiterates within our boundaries, surely adding to the problems and costs of unemployment, welfare, and crime." He continued, "It is thus clear that whatever savings might be achieved by denying these children an education, they are wholly insubstantial in light of the costs involved to these children, the state, and the nation."⁴⁶ The case, *Plyler v. Doe*, originated out of Tyler, Texas. Texas was the last state to provide public education to undocumented children. With the nearly unanimous passage of House Bill 1403 at the turn of the century, Texas became the first state to provide public higher education at resident tuition rates to these same students.⁴⁷ Some states have followed suit.

The Impact of Statelessness on the Family

Statelessness can lead to poor home environments, family separation, and abandonment of children.

The constant stressor of fear of exportation and extra-legal lifestyle among

stateless families undoubtedly have damaging effects on the children in the home setting, although there is a dearth of research on the topic directly.

Family separation, however, is readily documented, both in the US through deportation and abroad through unfavorable laws. In Kuwait, for example, citizenship is granted *jus sanguinis* through the father. If the father is a foreigner, identified by the vulgar Arabic label *bidun*, the children are also *bidun* and unable to claim citizenship, even though their mother is recognized as Kuwaiti. The children of a divorced or widowed Kuwaiti woman, however, can acquire her citizenship and its concomitant blessings, so there is an incentive for couples to divorce to guarantee their children's future. Refugee International reports on one such family: "'Our family was destroyed for the sake of papers,' lamented one young woman, the articulate and outspoken daughter of a Kuwaiti mother and a stateless father who divorced for the sake of their children. This woman's parents made the painful decision to divorce when she and her brother were unable to enroll in college."⁴⁸

Stateless children are also abandoned for several reasons. Undocumented migrants in Malaysia are targets for arrest and deportation. In some cases this has left children alone on the street when parents were removed.⁴⁹ This is also an issue in the US, where immigrant parents from Latin America are deported, leaving their citizen children in the care of relatives. In some cases, children fathered by soldiers sent from a different country during times of conflict may be shunned, particularly if interracial relationships are not accepted. Already abandoned by fathers who return to their country of origin, many of these children are later abandoned by their mothers because

of social pressure or the lack of resources to care for them.⁵⁰ Children whose parents die due to conflict, accident, natural disasters, or illness may find it difficult to obtain services in their own country even if they have not migrated, especially if no adults intervene on their behalf. This problem is exacerbated if the child has immigrated to a host country, is subsequently orphaned, and then unable to trace her or his heritage back to a parents' country of origin in order to apply for a passport. If no government recognizes these children as nationals, they are stateless with all the vulnerabilities of that condition.

Unable to prove their true age, abandoned stateless children may be susceptible to exploitation or to punishment as adults. This issue is compounded by what researcher Linda Burton calls *Adultification*,⁵¹ where children, by virtue of being exposed to a harsh adult world, assume adult roles to survive. This includes *Parentification*,⁵² where older children assume parental roles for younger siblings or children encountered in the course of survival. In the UK, roughly half of all unaccompanied youth seeking asylum in recent years have had their claim to be under 18 years of age disputed by the Home Office.⁵³ In one account, "Maria" from Angola who, after witnessing horrific events of her father's killing and her own abuse, managed to reach the UK with her niece, eight years her junior. *Sunday Times* author Christine Toomey reported that, "Maria... was initially held to be lying about her age and told she must be "at least 18" on the basis, she says, 'that they didn't believe a 16-year-old would be able to look after my niece the way I did.'"⁵⁴

Abandoned children often become street children, stateless or otherwise. In 1989,

the United Nations Children’s Fund (UNICEF) estimated 100 million children were growing up on urban streets around the world. Fourteen years later UNICEF reported: “The latest estimates put the numbers of these children as high as 100 million.”⁵⁵ And even more recently: “The exact number of street children is impossible to quantify, but the figure almost certainly runs into tens of millions across the world. It is likely that the numbers are increasing.”⁵⁶ The 100 million figure is still commonly cited, but has no basis in fact.⁵⁷ Whatever the number, it is accepted to be in the millions, and it is estimated as well that 40% of them live in Latin America, while Latin America has only 8% percent of the world population.⁵⁸

Street children are called *gamines* (urchins) in Colombia, *pajaros fruteros* (fruit birds) in Peru, *polillas* (moths) in Bolivia, *resistoleros* (little rebels) in Honduras and *disposables* in Brazil.⁵⁹ Some of them work in the streets selling cigarettes, wash windows, shine shoes, or prostitute themselves to eke out a living.⁶⁰ They are victims of hunger, exposure, violence,⁶¹ kidnapping, illegal adoptions, rape,⁶² and pornography. As discussed below, they are trafficked and sold for forced labor,⁶³ for sexual exploitation,⁶⁴ and for participation in armed conflicts.⁶⁵ Uneducated and restless young men are ripe for recruitment for gang crime and terrorist activities, especially if they have migrated from conflict zones.⁶⁶ A significant corpus of research is available on the study of street children in Latin America, including demographics, causality, and their struggles.⁶⁷ Intergovernmental agencies such as UNICEF and others spend considerable resources and effort to tackle the problem⁶⁸ systemically through advocacy, laws, and education.⁶⁹

Statelessness Leads to Child Labor

Conversely, while millions of the world's youth waste countless hours in the streets, millions of other children are exploited in labor, including the worst forms of child labor (WFCL), namely, prostitution, bonded servitude, trafficking of drugs, and hazardous work.⁷⁰ Stateless children, especially, have no guaranteed protection. Proving their age is difficult for young people without legal documents. Without these records, many youth cannot be protected by child labor laws since they cannot prove minor status.

According to new estimates from the International Labor Organization (ILO) published in 2006, there were 218 million child laborers aged 5-17 years in 2004. The number in hazardous work, which accounts for the bulk of the WFCL was 126 million in 2004. Latin America and the Caribbean accounts for approximately 5.7 million child laborers, or just 2.6% of the total. For the first time, however, the ILO was also able to note a positive trend with 20 million fewer working children in the 5-14 year core age group from 2000 to 2004. Overall, Latin America and the Caribbean saw the greatest decline in children's work, but with the highest per capita numbers of street children.⁷¹

Some government agencies in developing nations are unrealistic in their child labor agenda because they fear, in part, they won't be perceived as doing enough by the UNICEF, the ILO, the US, international NGOs, or the media in the developed world that influences loans and other aid to their nations.⁷² Brazil recently upped the minimum working age to 16, higher than many developed nations, yet Brazil has nearly eight

million street children.⁷³ While Latin American countries permit part-time work for youth, bureaucracies make it difficult and costly to implement, especially for smaller organizations that lack the resources to endure local bureaucratic hurdles.⁷⁴ Extra-legal employment, then, becomes an alternative and exposes children to the WFCL, documented or stateless.

Stateless Children Are Trafficked

Human trafficking is the use of fraud or coercion to move persons across international borders, primarily for the purpose of sexual exploitation, forced marriages, or forced labor. Each year, US immigration officials apprehend some 100,000 unaccompanied children at US borders. Little is known about those who actually make it through. Those who do are at the mercy of traffickers. Richard Estes estimates that approximately 15,000 children are trafficked into the US every year, to say nothing of those trafficked in other countries. In October 2000, Congress passed the Trafficking Victims Protection Act (TVPA). As part of this act, trafficked children are eligible for a number of benefits, including the Children's Health Insurance Program (CHIPs) and the Temporary Assistance to Needy Families (TANF) program. Victims ages 16 – 24 are eligible for Job Corps, a program run by the US Department of Labor. They are also eligible to apply for a T-Visa, documenting them to remain in the country, and avoid being re-victimized. Rescued trafficked children are now placed in federal foster care programs and are registered for school. H.R. 72, if passed, will give additional aid to

“nongovernmental organizations in the United States and abroad that provide legal and humanitarian support” for “reaching and assisting trafficked persons.”⁷⁵ The bill stops short, however, of providing US nationality to these children.

The UN Convention on the Rights of the Child calls for signatories to prevent the “abduction of, the sale of, or traffic in children.”⁷⁶ However, the situation becomes especially difficult when law enforcement cannot prosecute traffickers because there are no documents to prove the victim’s age or resident status.

Statelessness and the End of Childhood: The Psychology of Homelessness

Historians have argued that childhood was not always as we know it in Western society, but emerged as part of the early modern period of industrialization. In *Centuries of Childhood*, Philippe Ariès argued that prior to industrialization, children “did not count.” Children were part of a collective in pre-industrial life. Nothing was divided between individual, family, children, and public life. In other words, all worked the farm together, attended church together, and concepts of animal husbandry or death were not shielded from the children. Ariès further contends that by the end of the sixteenth century, women, and then men, began “recognizing the pleasure they got from watching children and indulged in ‘coddling’ or pampering them,”⁷⁷ that is, giving special attention to their needs. In the industrial era of the nineteenth and twentieth centuries, after some struggle of various factory and labor laws in Europe and the US, the place of the child was set at home along with women caretakers. Stuart Aitken posits that education became a significant move toward establishing childhood during that period,

because it separated children out for preparation to adulthood, both intellectually and socially. Children's play was born out of this as well, as playgrounds appeared across Europe and the US in the early part of the twentieth century to provide separate arenas for children to develop away from adults, under parents' control. Entrance into bars, brothels, and the like were discouraged and the recent notion of "stranger danger" all instructed children that there are people and environments that are safe for them and those that are not. Home was a refuge from a corrupted adult world. But globalization interrupted this trend toward isolating children from the realities of post-modern society. Women no longer cared for their children in the home, in what Herter Hengst called the "liquidation of childhood,"⁷⁸ because childcare became increasingly contracted out to the public arena. Concern over children's rights as separate from adults contributed to this division as well, as has the market's focus on children as an economic consumer (i.e., previously, advertisements were targeted to parents who determined the best consumer products for their children. Now, the media target the children themselves.). Qualities adults possess of independence, being street savvy, and wariness are frowned upon when learned by street children, yet statelessness requires children to possess these qualities in order to survive.

Moreover, during World War I an estimated 5% of casualties were civilians, reflecting the fact that battles were principally fought between the armies of opposing states at sites away from population concentrations. World War II began a shift and by the end of the twentieth century, war was increasingly fought within states, in the very heart of villages and cities. Consequently, civilians now constitute 80–90% of those

injured and killed.⁷⁹ The globalization of war, market commodities, and children's rights has reversed the agenda of childhood. Stateless children, frequently exposed to harsh realities of family separation, poverty, conflict, sexuality, death, and labor, are denied sheltering benefits needed for their developmental phases. Psychological damage can result in areas of attachment and trauma-induced anxiety disorders born from these losses. Some theorists now suggest that the latter half of the twentieth century signaled the death of childhood.⁸⁰

Jacqueline Bhabha noted, "The ties and influences that result from belonging to a particular territory are critical, even for very young children. The place of residence has pervasive impacts and life-long consequences: it affects children's life expectancy, their physical and psychological development, their material prospects, and their general standard of living... Belonging, legally and psychologically, to a country fundamentally affects the manner of exercise of a child's family and private life. Yet children, particularly young children, are often considered parcels that are easily moveable across borders with their parents without particular cost to them."⁸¹

The sense of loss and unhappiness for a stateless person is not understood by others who are, as Linda Kerber put it, "statefull."⁸²

In 1773, as Massachusetts patriots were challenging the Tea Act, slaves petitioned the legislature: "We have no Property. We have no Wives. No Children. We have no City. No Country." They described themselves repeatedly as "unhappy," it was their "greatest unhappiness."⁸³

Prompted by the pending dissolution of the United States through civil war,

Edward E. Hale published a short story entitled "The Man Without a Country," that appear in the Atlantic Monthly in 1863. His intent was to arouse patriotism for the Northern cause and bolster support for Abraham Lincoln. The novel was an allegory set in the early 1800s but was loosely based on the true story of Philip Nolan, a young United States Army lieutenant who is tried for treason as an accomplice to Aaron Burr. During his testimony, in "a fit of frenzy," Nolan renounces his nation, "Damn the United States! I wish I may never hear of the United States again!" Upon conviction, the judge grants Nolan his wish: he is to spend the rest of his life on warships of the US Navy, in exile, with no right to ever again set foot on US soil, and with no mention ever again made to him about his country. At first, Nolan is unrepentant, but as the years pass, going from ship to ship, he comes to miss his country even more than his family and friends at home. Dying, he shows his room to another officer; what he called a "little shrine" of patriotism. The Stars and Stripes are draped around a picture of George Washington. Over his bed, Nolan has painted an eagle, with lightning "blazing from his beak" and claws grasping the globe. At the foot of his bed is a dated map of the colonies. Nolan smiles, "here, you see, I have a country!" At his death, they looked at his Bible and saw that he inserted a slip of paper as a bookmark where he had marked the text:

"They desire a country, even a heavenly: wherefore God is not ashamed to be called their God: for He hath prepared for them a city."⁸⁴

"On this slip of paper he had written:

“Bury me in the sea; it has been my home, and I love it. But will not some one set up a stone for my memory... that my disgrace may not be more than I ought to bear?”⁸⁵

Conclusion

It is a fundamental human right to have a nationality, that one’s suffering and “disgrace may not be more than [they] ought to bear.” It must be recognized that primary responsibility for ending statelessness rests on governments. The US fares better than many countries in acknowledging statelessness and provides clear means for stateless refugee and trafficked persons, especially children, a path toward legal refugee status. There is increased sensitivity toward the psychological effects unaccompanied stateless children experience in this process and decisions in the US are mandated to be in the best “interests of the child.”⁸⁶ The US has a 27-year history of providing primary education to stateless or undocumented children within its borders, including early child education programs such as Head Start, even though, due to cultural preferences, many Latino immigrants do not avail themselves of the opportunities, preferring to keep younger children at home.⁸⁷ Healthcare and Social Security benefits for stateless persons are a disputed topic in the US, and H.R. 994 is designed, in part, to limit those benefits. Congress should not pass H.R. 994. Congress would do well to pass H.R. 72, committing the US to increased involvement in the reduction of global statelessness, national policy, and setting a better example for nation states to follow suit.

Abroad, governments need to improve systems for recording and maintaining birth registrations, and alter laws to provide *jus sanguinis* to apply to mothers as well as fathers (Recently, Egypt, Morocco, and Algeria have changed their family law to allow mothers to pass on their citizenship).⁸⁸ Governments need to remove discriminatory laws that also prevent *jus solis* nationality, and allow all children to be registered in the nation of their birth, even if *jus sanguinis* applies, thereby insuring nationality in transient circumstances, so no child grows up without a country.

References

- ¹ Belafonte, Harry (23 February, 2004). *Press release: Belafonte urges West Africa to redouble birth registration efforts*. DAKAR. Retrieved from: http://www.unicef.org/media/media_19351.html
- ² Economist, (12/1/2007). *It's tough to live in limbo*, Vol. 385 Issue 8557, p75-75, 4/5p. "In a cautious estimate, the office of the United Nations High Commissioner for Refugees reported that in the course of 2006 the number of stateless persons had climbed from 2.4m to 5.8m. A better guess for the stateless, says Maureen Lynch of Refugees International, an aid agency, is at least 11m; some UNHCR officials say the total figure, using looser criteria, could be 15m." Refugees International has settled on 12m. See: <http://www.refugeesinternational.org/policy/in-depth-report/futures-denied-statelessness-among-infants-children-and-youth>
- ³ U.S. Census, *Annual Estimates of the Resident Population for the United States, Regions, States, and Puerto Rico: April 1, 2000 to July 1, 2008* (NST-EST2008-01). Retrieved on April 17, 2008 from: <http://www.census.gov/popest/states/NST-ann-est.html>
- ⁴ The United Nations High Commission for Refugees (UNHCR), currently offers support to around 8 million refugee children. The term 'refugee' applies particularly to people who cross national frontiers. According to common perception, forced migrants who remain within the borders of the state ('internally displaced persons' or IDPs) at least equal, if not outnumber, the world's refugees. One influential report in 2005 suggested that there were 23.7 million IDPs globally. See Boyden, Jo and Hart, Jason (2007). *The Statelessness of the World's Children*, CHILDREN & SOCIETY Vol. 21, pp. 239, DOI:10.1111/j.1099-0860.2007.00105.x, Editorial Introduction. Young Lives Research Centre, Department of International Development, University of Oxford, Oxford, UK
- ⁵ UNHCR, United Nations High Commissioner for Refugees. *States Parties to the 1961 Convention on the Reduction of Statelessness* Date of entry into force: 13 December 1975. As of 1 October 2008, Total Number of States Parties: 35.
- ⁶ Arthur Sidney, Legislative director for Congresswoman Sheila Jackson Lee (Texas-D). In a telephone interview April 17, 2009, at 3:20 p.m.
- ⁷ A proposed law (H.R. 72, Jan 6, 2009). *To increase global stability and security for the United States and the international community by reducing the number of individuals who are de jure or de facto stateless and at risk of being trafficked*. 111th Congress, 1st Session.
- ⁸ 'Every child has a right to a name and nationality.' (2003, July). *Paediatric Nursing*, 09629513, Jul2003, Vol. 15, Issue 6.
- ⁹ de Soto, Hernando (2000). *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*, Basic Books; Lima. 1st edition.
- ¹⁰ United Nations Children's fund. *UNICEF factsheet: Birth registration*. Retrieved from <http://www.unicef.org/newsline/2003/03fsbirthregistration.htm>.
- ¹¹ Refugee International. (2008, Oct.). *Futures Denied: Statelessness Among Infants, Children, and Youth*, Sec1:2. Retrieved from: <http://www.refugeesinternational.org/policy/in-depth-report/futures-denied-statelessness-among-infants-children-and-youth>
- ¹² United Nations. (1948, Dec. 10). *Universal Declaration of Human Rights*, adopted and proclaimed by General Assembly resolution 217 A (III).
- ¹³ UN General Assembly. *Convention relating to the Status of Refugees*. (1951, July 28). Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950. Retrieved from: http://www.unhchr.ch/html/menu3/b/o_c_ref.htm

-
- ¹⁴ UN General Assembly, *Convention Relating to the Status of Stateless Persons*, 28 September 1954. United Nations, Treaty Series, vol. 360, p. 117. Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/3ae6b3840.html>
- ¹⁵ *Ibid*, Chapter 1, Article 1.
- ¹⁶ UN General Assembly, *Convention on the Reduction of Statelessness*, 30 August 1961. United Nations, Treaty Series, vol. 989, p. 175. Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/3ae6b39620.html>
- ¹⁷ Other international instruments also refer to nationality: The Hague Convention on Certain Questions relating to the Conflict of nationality laws, the Convention on the nationality of married Women, the International Convention on the elimination of all forms of racial discrimination, the International Covenant on Civil and Political rights, the Convention on the elimination of discrimination against Women, and the Convention on the rights of the Child. See: Refugee International. (2008, Oct.). *Futures Denied: Statelessness Among Infants, Children, and Youth*, Sec1:2. Retrieved from: <http://www.refugeesinternational.org/policy/in-depth-report/futures-denied-statelessness-among-infants-children-and-youth>
- ¹⁸ UN Committee on Economic, Social and Cultural Rights (CESCR), *UN Committee on Economic, Social and Cultural Rights: Report on the Twenty-fifth, Twenty-sixth and Twenty-seventh Sessions (23 April-11 May 2001, 13-31 August 2001, 12-30 November 2001)*, 6 June 2002. E/2002/22; E/C.12/2001/17. Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/45c30b330.html>
- ¹⁹ UN Committee on the Rights of the Child (CRC), *UN Committee on the Rights of the Child: November 1989*. CRC/C/70/Add.9. UNHCR Refworld, available at: <http://www2.ohchr.org/english/law/crc.htm>
- ²⁰ U. S. Constitution, Amendment XIV, §1.
- ²¹ Kerber, L. (2005, September). Toward a History of Statelessness in America. *American Quarterly*, 57(3), 727-749.
- ²² Kagan, Sharon L., Kauerz, Kristie, & Tarrant, Kate (2008). *The Early Care and Education Teaching Workforce at the Fulcrum: An Agenda for Reform*. New York: Teachers College Press, pp. 22-23. According to the authors, the Census 2000 reveals that 80% of children in immigrant families are US citizens because they were born in the United States.
- ²³ A proposed law (H.R. 994, Feb 11, 2009), the “Loophole Elimination and Verification Enforcement Act” or the “LEAVE Act”. To remove the incentives and loopholes that encourage illegal aliens to come to the United States to live and work, provide additional resources to local law enforcement and Federal border and immigration officers, and for other purposes.
- ²⁴ *Ibid*.
- ²⁵ Amid Immigration Debate, Settled Ground. By: Zehr, Mary Ann, *Education Week*, 02774232, 6/6/2007, Vol. 26, Issue 39, regarding U.S. Supreme Court's decision in Plyler v. Doe, June 5, 1982.
- ²⁶ Telephone interview on April 17, 2009 with Charles Kuck, President of the American Immigration Lawyers Association and Managing Partner, Kuck Casablanca LLC, The Immigration Law Firm, Atlanta, GA.
- ²⁷ *Ibid*.
- ²⁸ Telephone interview on April 16, 2009 with Jessica Baker, Press Secretary for Rep. Gary Miller, Washington D.C. office (2349 Rayburn House Office Building, Washington, DC 20515). H.R. 994 is an attempt to resurrect H.R. 6789 LEAVE Act, which did not pass in the 110th

-
- congress (2007-2008).
- ²⁹ UN General Assembly, *Convention Relating to the Status of Stateless Persons*, 28 September 1954. United Nations, Treaty Series, vol. 360, Articles 14, 16. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/3ae6b3840.html>
- ³⁰ Lari, Andrea & Kurtzer, Jake. (2008, July 30). Colombia: Forced Internal Displacement Overwhelming Capacity to Respond. *Bulletin*, Refugee International. Retrieved from: http://www.refugeesinternational.org/sites/default/files/colombia_allJuly30.pdf
- ³¹ UN News Center, (2008, June 24). *Ecuador opens new refugee office along border with Colombia with UN help*, [Press release].
- ³² Immigrant Children. (2003, November 9). *New York Times*, p. 10.
- ³³ *Ley General para las Migraciones, No. 285-04*, Dominican Congress. Retrieved on April 19, 2009 from: <http://www.nationalityforall.org/>
- ³⁴ UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women. Article 9, Section 2*, 18 December 1979. A/RES/34/180. Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/3b00f2244.html> [accessed 20 April 2009]
- ³⁵ UN, *Convention on the elimination of all forms of discrimination against Women, States Parties*. Retrieved 4/20/09 from: <http://www.un.org/womenwatch/daw/cedaw/states.htm>
- ³⁶ United Nations Children's fund. *UNICEF factsheet: Birth registration*. Retrieved from <http://www.unicef.org/newsline/2003/03fsbirthregistration.htm>
- ³⁷ Dow, Unity (1998). Birth registration: the 'first' right. *The Progress of Nations 1998, Civil Rights Commentary*. Retrieved on April 23, 2009 from <http://www.unicef.org/pon98/civil1.htm>
- ³⁸ Panter-Brick, Catherine (2002, Oct.). Street children, human rights, and public health: A critique and future directions, *Annual Review of Anthropology*, Vol. 31: 147-171
- ³⁹ Young, J., Flores, G., & Berman, S. (2004, November). Providing Life-Saving Health Care to Undocumented Children: Controversies and Ethical Issues. *Pediatrics*, 114(5), 1316-1320.
- ⁴⁰ Lansford Jennifer, Deater-Deckard, Kirby, & Bornstein, Marc (2007). Immigrant families in contemporary society. Duke Series in Child Development and Public Policy. New York: Guilford Press. p. 22.
- ⁴¹ International Organization for Migration (IOM), *The Millennium Development Goals and Migration*, April 2005. Migration Research Series, No. 20.
- ⁴² Wooding, B. (2008, July). Contesting Dominican Discrimination and Statelessness. *Peace Review*, 20(3), 366-375.
- ⁴³ Hustedt, Jason T. & Barnett, W. Steven. (2009, April 2). Worldwide Access to Early Childhood Programs: Where Do We Go From Here? In B. Blevins-Knabe (Chair), *An international perspective connecting early childhood policies and home environment*. Symposium conducted at the biennial meeting of the Society for Research in Child Development, Denver, CO. p.12.
- ⁴⁴ Ibid, p. 22.
- ⁴⁵ Emiliana Vegas y Lucrecia Santibañez. (7 de Noviembre de 2008), *Desarrollo en la Primera Infancia en América Latina y el Caribe*. Preview publication of book presented at the World Bank meeting, Santiago, Chile. Translation mine. Slide #23. "Los beneficios se ven en peso, altura, y salud general."
- ⁴⁶ Zehr, Mary Ann. (6/6/2007). Immigration Debate, Settled Ground, *Education Week*, 02774232, Vol. 26, Issue 39.
- ⁴⁷ Belanger, K. (2001, December). Social Justice in Education for Undocumented Families. *Journal of Family Social Work*, 6(4), 61-73.

-
- ⁴⁸ Refugee International. (2008, Oct.). *Futures Denied: Statelessness Among Infants, Children, and Youth*, Sec1:9. Retrieved from: <http://www.refugeesinternational.org/policy/in-depth-report/futures-denied-statelessness-among-infants-children-and-youth>
- ⁴⁹ Olson, C. (2007). *Malaysia: Undocumented Children in Sabah Vulnerable to Statelessness*. Washington, DC: Refugees International. Retrieved on April 21, 2009 from: <http://www.refugeesinternational.org/policy/field-report/malaysia-undocumented-children-sabah-vulnerable-statelessness>
- ⁵⁰ Refugee International. (2008, Oct.). *Futures Denied: Statelessness Among Infants, Children, and Youth*, Sec1:9. Retrieved from: <http://www.refugeesinternational.org/policy/in-depth-report/futures-denied-statelessness-among-infants-children-and-youth>
- ⁵¹ Burton, Linda (2007, Oct.) Childhood Adulthood in Economically Disadvantaged Families: A Conceptual Model, *Family Relations*, Vol. 56, p. 329.
- ⁵² Ibid, p. 339.
- ⁵³ Crawley H, Lester T. (2005). *No Place To Be a Child: Children in UK Immigration Detention*. Save the Children: London.
- ⁵⁴ Boyden, Jo and Hart, Jason (2007). The Statelessness of the World's Children, *CHILDREN & SOCIETY* Vol. 21, pp. 245, Editorial Introduction. Young Lives Research Centre, Department of International Development, University of Oxford, Oxford, UK.
- ⁵⁵ UNICEF, (2002). *State of the World's Children 2003*. New York: UNICEF. p. 37.
- ⁵⁶ UNICEF, (2005). *State of the World's Children 2006: Excluded and Invisible*. New York: UNICEF. pp. 40-41.
- ⁵⁷ Ennew, J. and Milne, B., (1989) *The Next Generation: Lives of Third World Children*. London: Zed Books; Green, D., (1998) *Hidden Lives: Voices of Children in Latin America and the Caribbean*. London: Cassell; and Hecht, T., (1998) *At Home in the Street: Street Children of Northeast Brazil*. Cambridge, UK: Cambridge University Press.
- ⁵⁸ UNICEF, (2005). *Part II. Literature Review of Situation of Adolescents in 8 Countries in Latin America and the Caribbean: Trends and Recommendations* (2005). Panama City, Republic of Panama: UNICEF - Regional Office for Latin America and the Caribbean.
- ⁵⁹ Inciardi, James A. and Surratt, Hilary L. (1997). *Children In the Streets of Brazil: Drug Use, Crime, Violence, and HIV Risks*.
- ⁶⁰ Thomas de Benitez, Sarah (2007). *State of the World's Street Children: Violence*. Consortium for Street Children (UK). Unit 306, Bon Marche Centre, 241-251 Ferndale Road LONDON SW9 8BJ. p. 21.
- ⁶¹ Ibid, p.1.
- ⁶² UNICEF, (2006). *State of the World's Children 2007*. New York: UNICEF. pp. 7, 53.
- ⁶³ International Labour Organization (2007). *Eliminating Child Labour Guides for Employers: Guide One*. Geneva, p. 10.
- ⁶⁴ Azaola, Elena & Estes, Richard J. (2003). *La Infancia Como Mercancia Sexual: Mexico, Canada, y los Estados Unidos* (The Commercial Sexual Exploitation of Children in Mexico, Canada and the United States), with Elena Azaola. Mexico City: CIEASAS & Siglo XXI Veintiuno Editores.
- ⁶⁵ Connolly, M. (1990). *Adrift in the City: A Comparative Study of Street Children in Bogota, Colombia, and Guatemala City*, in N. Boxhill (ed.) *Homeless Children: The Watchers and the Waiters*. New York: Hawthorn Press.
- ⁶⁶ Martyrdom and murder. *Economist*, 00130613, 1/10/2004, Vol. 370, Issue 8357. Also, the Jordanian finance minister acknowledged, "Hatred, bigotry, and violence are not caused by the lack of access to knowledge, but rather by the lack of opportunity. And education is

-
- central in allowing people to seek opportunity." Awadallah, B., Finance, M., & Jordan, H. (n.d.) *Combating Terrorism with Education*. FDCH Congressional Testimony.
- ⁶⁷ UNICEF, (2005). Part II. Literature Review of Situation of Adolescents in 8 Countries in Latin America and the Caribbean: Trends and Recommendations (2005). Panama City, Republic of Panama: UNICEF - Regional Office for Latin America and the Caribbean. See also, Connolly, M. (1990). *Adrift in the City: A Comparative Study of Street Children in Bogota, Colombia, and Guatemala City*, in N. Boxhill (ed.) *Homeless Children: The Watchers and the Waiters*. New York: Hawthorn Press; and *Economic Commission for Latin America and the Caribbean (ECLAC)* Based on the special procedures of the latest Demographic and Health Surveys in Bolivia, 1998, and Peru, 2000.
- ⁶⁸ Dybicz, Phillip. (2003). Interventions for Street Children, *International Social Work*. 48(6): 763-771. Also, see: Lusk, M.W. (1989). *Street Programs in Latin America*. *Journal of Sociology and Social Welfare*. 16(1): 55-77.
- ⁶⁹ Bell, C., & Gersbach, H. (2009). Child Labor and the Education of a Society. *Macroeconomic Dynamics*, 13(2), 220-249. Also: UNICEF, (2005). *State of the World's Children 2006: Excluded and Invisible*. New York: UNICEF. pp. 40-41.
- ⁷⁰ A. Bequele and W. Myers, (1995). *First things first in child labour: Eliminating work detrimental to children*, ILO, Geneva.
- ⁷¹ F. Hagemann, Y. Diallo, A. Etienne and F. Mehran (2006, April). *Global child labour trends 2000 to 2004*, ILO. Geneva, pp. 7-17.
- ⁷² Hirsch, S. (2007, April 20). Labor laws feared in free-trade deals. *The Washington Times*, (DC). P. C08.
- ⁷³ International Labour Organization. (2007). *Eliminating Child Labour Guides for Employers: Guide One*. Geneva, p. 9. Brazil has a higher minimum age than Germany, Japan, and Switzerland.
- ⁷⁴ Peru, Bolivia, Colombia, Ecuador, Paraguay, Argentina, Nicaragua, El Salvador, Guatemala, Panama, and Venezuela all have 14 as the minimum age to work. Uruguay, Chile, and Costa Rica minimums are 15 years of age. (Also see Government of Bolivia, Ley General de Trabajo, article 8, Government of Colombia, Código de la Infancia y la Adolescencia, article 113). Interestingly, Chile has one of the lowest percentage of children 5-14 in the work force at 3.5%, maintains among the highest school attendance in the region at 97.2%, yet has the least stringent child labor laws in various categories. US Department of Labor. (2008). Bureau of International Labor Affairs, 2007 Findings on the Worst Form of Child Labor. Washington.
- ⁷⁵ A proposed law (H.R. 72, Jan 6, 2009). *To increase global stability and security for the United States and the international community by reducing the number of individuals who are de jure or de facto stateless and at risk of being trafficked*. 111th Congress, 1st Session.
- ⁷⁶ UN Committee on the Rights of the Child (CRC), *UN Committee on the Rights of the Child*. General Assembly Resolution 44/25 of 20 November 1989.
- ⁷⁷ As quoted in Aitken, S. (2001, June). Global crises of childhood: rights, justice and the unchildlike child. *Area*, 33(2), pp. 119-127.
- ⁷⁸ *Ibid*, p. 122.
- ⁷⁹ Boyden, Jo and Hart, Jason (2007). The Statelessness of the World's Children, *CHILDREN & SOCIETY* Vol. 21, pp. 238, Editorial Introduction. Young Lives Research Centre, Department of International Development, University of Oxford, Oxford, UK.
- ⁸⁰ Aitken, S. (2001, June). Global crises of childhood: rights, justice and the unchildlike child. *Area*, 33(2), p. 122; See pp. 119-127.

-
- ⁸¹ Bhabha, J. (2003, September). The Citizenship deficit: On being a citizen child. *Development*, 46(3), 54-55.
- ⁸² Kerber, L. (2007, Feb.). The Stateless as the Citizen's Other: A View from the United States. *American Historical Review*, 112(1), p.16.
- ⁸³ Horton, James O. and Horton, Lois E. (2005). *Petition of the Africans, Living in Boston, 1773: Slavery and the Making of America*. New York, p. 51, as quoted in: Kerber, L. (2007, Feb.). The Stateless as the Citizen's Other: A View from the United States. *American Historical Review*, 112(1), p.16.
- ⁸⁴ Holy Bible, See Hebrews 11:16.
- ⁸⁵ Hale, Edward Everett. *The Man without a Country*. Vol. X, Part 6. Harvard Classics Shelf of Fiction. New York: P.F. Collier & Son, 1917; Bartleby.com, 2000. Quotes retrieved on April 11, 2009, from: <http://www.eastoftheweb.com/short-stories/UBooks/ManOut.shtml>
- ⁸⁶ Goździak, E., & MacDonnell, M. (2007, Summer2007). Closing the Gaps: The Need to Improve Identification and Services to Child Victims of Trafficking. *Human Organization*, Vol. 66(2), p. 173.
- ⁸⁷ This is true within Latin American countries as well, such as Chile. See: Emiliana Vegas y Lucrecia Santibañez. (7 de Noviembre de 2008), *Desarrollo en la Primera Infancia en América Latina y el Caribe*. Preview publication of book presented at the World Bank meeting, Santiago, Chile. Slide 27. "Muchas madres y padres chilenos piensan que sus niños no deben asistir a la EPI [educación preescolar infantil]." Translation mine.
- ⁸⁸ Economist, (12/1/2007). *It's tough to live in limbo*, Vol. 385 Issue 8557, p75-75, 4/5p.