



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

USCIRF HEARING SUMMARY: CITIZENSHIP LAWS AND RELIGIOUS FREEDOM

March 2020

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USCIRF's Mission

To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

On March 4, 2020, the U.S. Commission on International Religious Freedom (USCIRF) held a hearing in the U.S. Senate on [Citizenship Laws and Religious Freedom](#) to consider how citizenship laws and citizenship verification processes are leveraged to deny religious minorities the legal protections of citizenship, making them vulnerable to exploitation, discrimination, and mass atrocities. The hearing, led by USCIRF's Chair, [Tony Perkins](#), convened an [array of witnesses](#) who provided multiple perspectives on this issue within Burma and India and recommendations for the U.S. government and international community.



Panelists Ashutosh Varshney, Aman Wadud, Azeem Ibrahim, and Naomi Kikoler discuss how citizenship laws are used to target religious minorities, particularly in Burma and India, and highlight the importance of the atrocity prevention framework for understanding the potential consequences of these laws.

Chair Perkins opened the hearing by stressing the importance of protecting citizenship within the international legal framework—“The right to a nationality is a fundamental human right and serves as a bedrock for accompanying political and civil rights. It is the right to have rights.” In their opening remarks, Vice Chair [Gayle Manchin](#) and Commissioner [Anurima Bhargava](#) highlighted recent examples from around the world of how governments have denied individuals’ citizenship rights based on their religious identity.

[Ms. Naomi Kikoler](#), Director of the Simon-Skjoldt Center for the Prevention of Genocide at the U.S. Holocaust Memorial Museum, provided an overview of how citizenship laws are used as a method of violating religious freedom, citing historical precedent set by Nazi Germany and the Nuremberg Laws in the 1930s.

- Ms. Kikoler discussed citizenship through the framework of atrocity prevention and pointed out three ways in which the narrow revision of citizenship laws can be significant for religious minorities: identifying potential perpetrators; identifying civilian groups that might be targeted for large-scale and systematic attack; and identifying potential triggers or windows of atrocity risk.



U.S. Holocaust Museum’s Simon Skjoldt Center for the Prevention of Genocide Director Naomi Kikoler provides insight on mass atrocity prevention, and the risk associated with denying, revoking, or revising the right of citizenship from members of religious and ethnic minority groups.

- She concluded her testimony with five key recommendations for the U.S. government: 1) monitor changes in citizenship in regards to vulnerable groups as one of many early warning or risk signs of atrocities and even genocide; 2) utilize atrocity prevention tools and its legislative mandate to act early to prevent atrocities; 3) work in partnership with others, including through established U.N. forums, regional organizations, other like-minded donor countries, experts, civil society organizations, and the new International Religious Freedom Alliance to prevent mass atrocities; 4) consider timely incentives as well as punitive measures to encourage states to refrain from discriminatory citizenship practices and policies, and do so early; and 5) understand that citizenship rights and state policies have a direct link to migration patterns, humanitarian crises, our own national security, and global stability.

[Dr. Azeem Ibrahim](#), Director of the Displacement and Migration Program at the Center for Global Policy, provided an overview of the 1982 Citizenship Law in Burma and how legal changes to such citizenship laws are used to mask religious discrimination.

- Dr. Ibrahim demonstrated how the passage of this law helped to lay a legal foundation for the widespread disenfranchisement and persecution of the Rohingya, particularly between 2013 and 2018 during which the Rohingya faced genocidal violence and were effectively expelled from their country of birth.
- He then drew parallels between the impact of the 1982 Citizenship Law on the Rohingya and the Citizenship (Amendment) Act in India, which could lead to families who have lived in India for 40 to 70 years, particularly Muslims, being denied their basic right of citizenship, effectively declared stateless, and threatened with detention and deportation.

[Mr. Aman Wadud](#), a human rights lawyer in Assam, India, described his work on behalf of individuals having their citizenship challenged within Assam, and how the National Register of Citizens (NRC) and Citizenship (Amendment) Act (CAA), which provides a fast track to Indian citizenship for non-Muslim migrants from Afghanistan, Bangladesh, and Pakistan already in India, function to target religious minority communities.

- Mr. Wadud described in detail how the NRC process, along with the National Population Register, and the CAA, which provides legal protections to non-Muslims excluded from the NRC, intersect to specifically target Indian Muslims. He described the NRC process as exclusionary by nature, leading to the arbitrary detention of anyone suspected of not being a citizen.
- He further stressed that, even if individuals successfully prove their citizenship during the NRC, the process itself is still an onerous, costly, and traumatic one for marginalized communities, forcing many to sell their property and lose working days in order to attend NRC hearings.



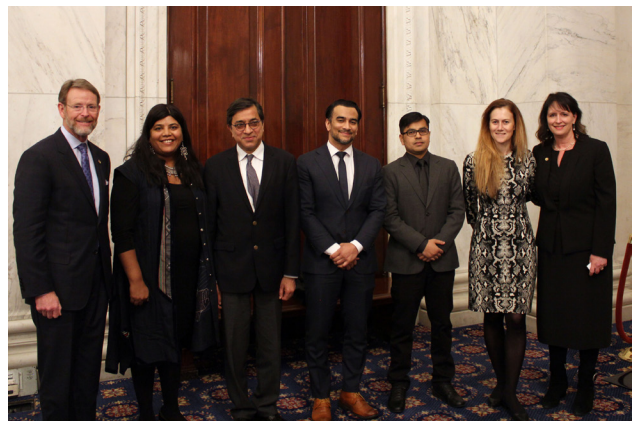
USCIRF Commissioner Gary Bauer, Vice Chair Nadine Maenza, Chair Tony Perkins, Vice Chair Gayle Manchin, and Commissioner Anurima Bhargava

Dr. Ashutosh Varshney, Sol Goldman Professor of International Studies and the Social Sciences and Director of the Center for Contemporary Asia at Brown University, placed the NRC and CAA in the broader context of religious freedom in India.

- Dr. Varshney began by showing how the CAA, by differentiating the treatment of individuals along religious lines, challenges India's constitutional principles based on secular ideals and shifts the basis of citizenship in the country. He also pointed to how the law excludes persecuted Muslim sects within Afghanistan, Bangladesh, and Pakistan, undermining the laws stated purpose of protecting persecuted religious groups.

- He further highlighted how the combination of the NRC and CAA leads to the specific targeting of Indian Muslims. As demonstrated by the NRC process in Assam, Dr. Varshney argued, a number of Indians had difficulty in proving their citizenship with the required documentation for a variety of reasons, leaving many excluded from the finalized NRC list. With the CAA providing legal protections for non-Muslims excluded from the NRC list, the NRC would impact Muslims alone, potentially rendering stateless a large number of Muslims and making them vulnerable to discrimination and violence.

Chair Perkins ended the hearing by concluding, “The warning light is flashing when it pertains to the use of the citizenship laws to discriminate against individuals, leaving them stateless, and opening them up to violence, discrimination, and more importantly, as has been articulated here, a sense of human dignity. And that is our mission here as the Commission on International Religious Freedom, to advocate for that basic human right, not to be discriminated against based upon one’s faith and denied the most essential elements of citizenship.”



USCIRF Chair Tony Perkins, USCIRF Commissioner Anurima Bhargava, Ashutosh Varshney, Azeem Ibrahim, Aman Wadud, Naomi Kikoler, and USCIRF Vice Chair Nadine Maenza



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