

A global perspective on human rights violations: Illegal detention, statelessness, and family separation

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Abstract

Infringements of human rights inhibit essential liberties and sustain systemic injustice. At the pinnacle of the human rights violations pyramid sit unlawful detention, statelessness, and family separation, each inflicting severe harm and distress. Illegal detention, recurrently adopted as a method of oppression, denies individuals their freedom without a fair trial, breaching fundamental principles of justice. Statelessness sets the stage for millions to become legally unrecognized, precluding them from gaining citizenship, rights, and vital services and exposing them to exploitation. Family separation, be it due to conflict, restrictive immigration policies, or discrimination, disrupts lives and diminishes human dignity, causing enduring psychological damage. Despite protections under the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and associated treaties, these violations continue due to weak enforcement, political opposition, and discriminatory regulations. This study examines the legal, political, and humanitarian aspects of these abuses, tracing their roots and legal repercussions while calling for enhanced accountability, legislative changes, and justice to effectively safeguard vulnerable populations globally.

Keywords: family separation, human rights, illegal detention, international laws, statelessness

Introduction

Laws were established as a shield for humans against human rights violations. However, issues such as unlawful detention, statelessness, and family separation still happen around the world. Unlawful detention refers to confining individuals without adherence to proper legal procedures. Governments often justify such violations by citing national security or emergency provisions (Siim & Stoltz, 2024). It includes detention without a warrant, prolonged pre-trial confinement, and the selective apprehension of individuals predicated upon their ethnic background or political beliefs.

In Eritrea, the practice of indefinite obligatory military service has culminated in extensive arbitrary incarcerations. In China's Xinjiang province, Uyghurs have been confined in extensive internment facilities without undergoing formal judicial processes (Kitchanapaibul et al., 2022). Countless detainees lack adequate legal representation and the right to a fair trial. It fails to comply with international standards of legal due process and bereaves the target of access to justice (Martinez-Aranda, 2025). Statelessness robs individuals of nationality, legal recognition, and access to fundamental services. Beyond the situation of the Rohingya in Myanmar and Dominicans of Haitian descent, the Hill Tribes in Thailand remain without any national identity due to strict citizenship rules (Sheikh & Pulkkinen, 2024).

Stateless people often live in a constant state of social and legal insecurity because, without identity documents, they cannot seek asylum, own land, or get help from the courts. (Kitchanapaibul et al., 2022). Migration policies, conflicts, or detention measures are common triggers of family separation. The affected population faces emotional distress, legal uncertainty, and financial instability. Zero-tolerance immigration policies in the United States have led to the separation of countless families, detaching thousands of children from their parents with little chance of reunification (Goetze, 2022).

In North Korea, deserters are permanently severed from their families and face rigorous disciplinary actions if caught attempting to reach out to them. In Syria and Yemen, conflict-driven separations place children at risk of human trafficking, forced enlistment, and interminable deportation.

Research Justification

The reason why this research holds importance is the constant presence and repetition of unlawful detention, statelessness, and family separation. Albeit the enforcement of conventions such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), their application is yet to be proven effective in the protection of the victims.

These human rights violations blemish the lives of the impacted individuals in many ways. Illegal detainees are often tortured while in prison and are also not given the opportunity to seek proper legal counsel. Moreover, stateless individuals are disadvantaged in terms of legal recognition, as well as access to education, healthcare, employment, and political participation. Traumatic experiences one suffers from family separation remain deeply ingrained in victims' memories, continuing to affect their emotional well-being throughout their lives.

Focusing on political, humanitarian, and legal factors, this study finds key systematic failures, maps out where enforcement lags and demands stronger monitoring and updated laws. This study is of utmost importance as it furthers ongoing efforts to improve legal frameworks, policy interventions, and institutional accountability in international human rights law.

Research Objectives

1. To discuss the historical context of illegal detention, statelessness, and family separation from a global perspective.
2. To accentuate the theoretical context of illegal detention, statelessness, and family separation.
3. To examine the leading laws governing illegal detention, statelessness, and family separation.
4. To pinpoint the leading issues pertaining to illegal detention, statelessness, and family separation.

5. To explore methods to downsize unlawful detention, lack of nationality, and family separation.
6. To recommend practical approaches for preventing and addressing these problems.

Research Methodology

This study employed a systematic review methodology, with research objectives established accordingly. A comprehensive literature review was conducted (Komba & Lwoga, 2020). Research findings were categorized based on their content (Hiver et al., 2021; Petticrew & Roberts, 2006), and classified information was incorporated into the study by organizing it into headings (Gan et al., 2021; Pawson et al., 2005). The evaluation of classified information and titles formed the basis of the study (Page, 2021; Rahi, 2017), ensuring the integrity of the research subject and its contents (Egger et al., 2022; Victor, 2008). The criteria for selection are enlisted.

1. **Relevance:** Researches that directly addressed the questions posed by this study are included.
2. **Quality:** Studies that meet a certain quality threshold (e.g., methodological rigor, bias risk) are included. Most of the researches are from Scopus indexed and Clarivate Analytics journals and reputed publishers.
3. **Recency:** Consideration of the publication date to ensure that the review reflects the most current evidence. Most of the studies are from the last three years.
4. **Language:** Only studies published in English are included.
5. **Data Completeness:** Previous studies must provide sufficient data on outcomes of interest for practical synthesis; it is also ensured in this research.

This study did not use primary data from human participants; therefore, no ethics clearance letter from the ethics committee was required.

Literature Review

The Global Cry for Justice: The Reality of Human Rights Violations

The effectiveness of international legal protections remains under scrutiny due to ongoing violations of human rights (Chubb & Lyer, 2024). The breakdown of families, arbitrary detention, and statelessness bespeak far more than the mere breach of legal rules (Jain, 2022). The reason is that the denial of legal remedies, official recognition, and justice for those affected are, most of the time, the end products of them (Cartwright, 2023).

Illegal Detention: A System of Oppression and Silence

Numerous governments have been observed using detention as a means to silence political infighting and circumscribe freedoms (Arnold, 2023). Detainees, most of the time, are locked up for a ceaseless period and devoid of access to fair trials or legal representation. For instance, more than one million Uyghurs in China have been detained without due process (Diaz de Leon & Barbosa, 2024). In Egypt, members of the press have been subjected to unwarranted incarcerations. The absence of transparency in judicial processes facilitates indefinite detainment, stifles opposition, and infringes upon fundamental human rights (Ismail et al., 2023).

Statelessness: The Struggle for Recognition and Rights

The United Nations High Commissioner for Refugees, in one of its reports, has estimated that around 4.4 million people are stateless around the world. It serves as evidence that statelessness remains a significant legal and humanitarian problem, stripping millions of nationality and the rights linked to it (Elias & Stivers, 2024). The Bidoon population in Kuwait and the Rohingya in Myanmar exemplify such cases. These stateless communities face systematic marginalization, with no access to education, healthcare, or employment. Meanwhile, the rigid nationality laws in the Dominican Republic have produced thousands of stateless individuals who possess few or minimal rights (Pasierowska, 2024). Without any identity, they fall short of legal recognition, which often entraps them in a web of discrimination and socio-economic struggles (Kitchanapaibul et al., 2022).

Family Separation: The Fracturing of Human Bonds

The emotional and social consequences that emanate from family separation are severe and beyond repair (Goetze, 2022). The Syrian conflict, in its brutal unfolding, led to the abandonment of countless children after they were separated from their parents (Grover, 2025). The consequences of family separation do not stop at physical separation; it extends to the psychological chain of effects that impacts generations, escalating the risks of victimization, distress, and insecurity (Arnold, 2023).

Psychological Trauma Inflicted by Human Rights Violations

Human rights violations can induce cataclysmic psychological aftereffects on victims, mentally scarring them for the rest of their lives (Siim & Stoltz, 2024). It is reflected in Kalief Browder's case. He went through solitary confinement and mistreatment at Rikers Island, which traumatized him, leading to the onset of depression, paranoia, and post-traumatic stress disorder. The mental anguish reached the point where he made multiple suicide attempts, with the final effort unfortunately ending his life. Mohammed Bin Nayef Al Qahtani underwent years of confinement at Guantanamo Bay without any charges (Elias & Stivers, 2024). He was subjected to severe interrogation and was cut off from his family (Martinez-Aranda, 2025).

The Failure of International Protection and the Need for Reform

The execution of human rights provisions continues to be inconsistent (Cartwright, 2023). Governments put national interests over the commitments of implementing international frameworks for human rights. These cracks in enforcement remain the gateway for these violations, outlining the need for a more rigid accountability mechanism (Díaz de Leon & Barbosa, 2024). The only way to ensure justice globally is by fortifying the frameworks and enforcing immutable reforms (Ismail et al., 2023).

Historical Context of Human Rights Violations: Illegal Detention, Statelessness, and Family Separation

You will find examples of illegal detention, statelessness, and family separation used as means of restraining people, utterly unmindful of the existence of legal protections to tackle those abuses (Elias & Stivers, 2024). It can be seen in the events that occurred during Suharto's regime, where he accused Partai Komunis Indonesia (PKI) of devising a coup and ordered the detention and execution of around 800,000 without undergoing any trial (Eddyono, 2023). Most of them were burned alive or decapitated solely on suspicion. The number of Japanese Americans who went through coercive internment during World War II is reported to have exceeded 120,000, of which 30,000 were children. They were subjected to this ill-treatment with no evidence of wrongdoing (Goetze, 2022).

Masses of people became stateless after Myanmar's 1982 Citizenship Law, triggering forced migration, targeted oppression, and denial of medical and educational resources (Jain, 2022). In 1972, in Uganda under the reign of Idi Amin, 60,000 Asians were deported, had their citizenship rescinded, and were expelled, despite many having lived in Uganda for generations (Cartwright, 2023). It highlights how statelessness has frequently been used to deny belonging (Sheikh & Pulkkinen, 2024).

It has come to attention that family separation generally influenced already alienated communities the most (Arnold, 2023). During the transatlantic slave trade, African families were torn apart, with people sold and sent to different countries (Pasierowska, 2024). The Mexican repatriation in the 1930s left over a million individuals without legal protection (Elias & Stivers, 2024). It happened because they were forcibly expelled from America, including US citizens.

Theoretical Context of Human Rights Violations: Illegal Detention, Statelessness, and Family Separation

The research is based on principles from international human rights law, legal positivism, and rule of law theory, highlighting the necessity of robust legal systems in managing issues like illegal detention, statelessness, and family separation. Legal positivism believes law gains legitimacy only if it is officially made and implemented. However, legal gaps result when national laws conflict with international rules. Rule of law theory's fixation is on fairness and equal treatment, but inconsistent political and weak judicial systems often sabotage legal protections.

From a criminology perspective, Strain Theory (Robert K. Merton) explains how weak institutions increase people's risk of becoming stateless or being detained unfairly. Structural Violence Theory (Johan Galtung) shows how unfair legal systems harm people by blocking access to justice and basic services, making these issues part of a broader pattern of inequality.

The capabilities approach (Amartya Sen and Martha Nussbaum) highlights how having a legal identity affects people's ability to enjoy their rights and freedoms. By using these theories together, this study explores why current systems are failing and how bringing together different fields can improve human rights protection.

Leading Legal Protections Against Illegal Detention, Statelessness, and Family Separation

Across regions from Asia to America, laws exist to protect people from wrongful detention, statelessness, and family separation.

1. Illegal Detention

- i. **Magna Carta (1215), Clause 39:** Established the principle of due process, prohibiting imprisonment without lawful judgment.
- ii. **Universal Declaration of Human Rights (UDHR, 1948), Article 9:** This article incorporates security measures against detention and arbitrary arrest.
- iii. **International Covenant on Civil and Political Rights (ICCPR, 1966), Article 9:** Ensures the right to liberty and security, directing fair trials and judicial review.
- iv. **Geneva Conventions (1949), Article 3:** Prohibits arbitrary imprisonment, especially in circumstances surrounding armed conflicts.

2. Statelessness

- i. **Universal Declaration of Human Rights (UDHR, 1948), Article 15:** Proclaims the right to a nationality and defense against arbitrary deprivation of citizenship.
- ii. **1954 Convention Relating to the Status of Stateless Persons:** Grants legal recognition and rights to stateless individuals, ensuring access to employment, education, and legal protection.

- iii. **1961 Convention on the Reduction of Statelessness:** Demands that countries avoid leaving anyone without citizenship and encourage steps to reduce the number of stateless people.

3. Family Separation

- i. **Convention on the Rights of the Child (CRC, 1989), Articles 9 & 10:** Protects children from unlawful family separation by ensuring family reunification rights.
- ii. **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), Articles 17 & 44:** Mitigates forced separation of migrant families and assures protection against arbitrary expulsion.

Challenges in Combating Illegal Detention, Statelessness, and Family Separation

Illegal detention, statelessness, and family separation survive not because of a lack of rules, but because their enforcement often clashes with:

1. **State sovereignty and political interests** often come into play when governments justify unlawful detentions using tools like emergency powers, counterterrorism laws, and national security concerns. A common strategy to discourage migration is separating families. The principle of state sovereignty also makes it harder for international bodies to step in and hold governments accountable. In Nepal, many women and children remain stateless because citizenship is generally passed through the father, as laid down in their national laws.
2. **Inadequate enforcement of international statutes** remains an alarming challenge. Many countries that have signed international agreements and treaties have not incorporated them into their domestic laws. Moreover, international bodies generally lack the authority to impose sanctions, due to which in many cases, victims receive less or no effective legal relief. In Eritrea, for instance, arbitrary detentions are relentless, with individuals alleged of defiance being held indefinitely without trial.
3. **Official and legal obstacles** arise for stateless individuals, as they are not granted citizenship and face difficulty acquiring official documents, which leaves them unrecognized in both legal and social systems. Detainees are often disallowed from hiring lawyers, while families separated by immigration rules experience long delays, further lengthening their reintegration. In Thailand, many members of ethnic hill tribes remain without citizenship due to challenges in obtaining legal documents, which also blocks their access to education and healthcare.
4. **Lack of data and transparency** further causes problems in tackling these violations. It has come to the observation that many governments do not maintain proper and well-organized records on stateless populations, detainees, or separated families. It stands in the way of policy reforms and advocacy efforts, which is demonstrated in the case of Qatar. The delay in maintaining detailed records on detained migrant laborers complicated human rights monitoring in Qatar.
5. **Bias in systems and structural hurdles** lead to violations based on ethnicity, religion, or political affiliation. People face arbitrary detention, and citizenship remains out of reach for many marginalized communities due to political interference. Framing migrants as potential security risks is how some governments defend family separation. In Bahrain, the government has taken away the citizenship of members of opposing parties and activists through laws that allow canceling nationality.
6. **Political instability and armed conflicts** magnify these issues, as legal safeguards are often in jeopardy there. Stateless individuals are unable to claim legal protection or seek asylum. For example, in Yemen's war, the number of children without citizenship is incalculable after many families were separated from each other.

These ineradicable barriers make it much harder to protect and enforce human rights. Governments, international groups, and aid workers try to help, but they often struggle to fix these problems in a meaningful way. Even though human rights laws exist, they're not always used the right way or treated seriously. Because of that, people live through suffering without the justice or protection they are worthy of.

Opportunities for Addressing Human Rights Violations

We can fix human rights abuses, no matter how stubborn they are around the world. The key is to change the laws we already have, work together globally, and use new technology. There are plenty of ways we can start making a difference:

1. Strengthening Legal Frameworks and Enforcement

We need to understand that laws against human rights infringements are only as effective as their implementation. Ignoring treaties that lay down measures against these violations yields no results. We can resolve this through impartial monitoring, legitimate penalties, and tighter adherence to international rules. We should also extend all forms of legal assistance to detainees, stateless persons, and separated families to protect them from abuse. The laws hold no power and are just mere words on paper without strict enforcement. We must consolidate legal systems and tools to hold wrongdoers accountable and end these abuses so that they have no place in the future.

2. Global Collaboration and Policy Reform

Fighting human rights problems is not a matter for one country alone; all countries must come together to advocate for the victims of illegal detention, statelessness, and family separation. It can be fulfilled by formulating homogeneous and aligned immigration laws and policies, addressing nationality laws, and ensuring better protection for asylum seekers. The United Nations and the International Court of Justice must take more decisive action to ensure countries adhere to the rules. Providing increased support for refugees and offering relocation programs can prevent forced displacement, reduce family separations, protect fundamental rights, and help prevent individuals from getting trapped in a legal mess.

3. Leveraging Technology for Documentation and Advocacy

Technology can play a pivotal part in lending a hand to people to gain legal recognition and access their rights, especially in situations where a person's identity is essential. Digital identification systems, biometric registration, and blockchain records are a few examples of technological methods that can help stateless individuals be recognized legally, allowing them to access services like education, healthcare, and jobs. Additionally, technology also helps unveil human rights abuses through online platforms and investigative journalism, which can pressure governments to take action. When put to good use, technology can be a powerful way to fight against people being ignored or oppressed.

4. Empowering Civil Society and Grassroots Movements

One thing for sure is that legal reforms alone cannot bring about the change. They must work alongside grassroots organizations, human rights defenders, and refugee-led efforts to have effective advocacy for vulnerable populace. Bolstering these movements through financial support, legal protections, and international solidarity heightens their influence. Community-driven initiatives put real power in the hands of the people most harmed rather than leaving change up to distant authorities. When grassroots groups speak up, they can expose unfair rules and push for deep, lasting reform.

5. Reforming Detention Practices and Expanding Alternatives

Excessive detention of migrants, political opponents, or marginalized groups compromises justice. Governments should move from punishment to rights-based options, such as community programs, impartial oversight of detention centers, and

stronger legal protections. Detention must be used only as a last resort, not as a means of abuse. Transparent and fair detention practices help prevent human rights abuses and promote accountability.

Achieving justice requires real commitment, legal changes, and collective effort. No one can bring about justice by words alone; collective action is necessary to achieve the desired change and dismantle unjust systems to protect human dignity.

Discussion

Probing into human rights issues such as illegal detention, statelessness, and family separation has revealed apparent differences in how these problems show up in different social and political settings. These differences are apparent when comparing how justice is carried out, how courts operate, and how people can seek help between richer and poorer countries.

It has been observed that Illegal detention is often tied to counterterrorism precautions, immigration policies, and mass incarceration in high-income countries. Thousands of asylum applicants are detained every year in the United States for an unspecified duration, at times, under rigid immigration policies. European states have received backlash for using national security laws to detain individuals without a chance of fair trial.

However, stronger legal institutions, active civil rights organizations, and independent judicial systems provide some degree of redress. Contrariwise, poor judiciary, political suppression, and opposition are the reasons associated with the higher rates of arbitrary detention, statelessness, and forced family separations in low-income countries. Factors such as slow court processes and corruption have led to more than 80% of detainees being held without official charges. Statelessness is common among ethnic groups, as seen with the Rohingya in Myanmar. War in places like Syria and South Sudan often results in families being torn apart, worsening social issues.

Strain Theory helps clarify that when stateless people are left out of the system, they set foot in unsafe and difficult situations. They often cannot get legal help, live stable lives, or find secure work. Structural Violence Theory shows that harmful systems and rules can hurt people by cutting off their fundamental rights. These issues point to bigger problems in how laws and systems work. To mend these unfair conditions, countries need to create fair laws, make sure everyone abides by them, and work together. It will help give equal protection to all people under international law.

Conclusion

This research reveals the significant gaps in human rights protections related to illegal detention, statelessness, and family separation. It paved the way to identify why international treaties and covenants are ineffective, namely weak enforcement, political resistance, and systemic barriers. Other than legal consequences, these transgressions impose chronic psychological, social, and economic losses. Kalief Browder's example clearly indicates how severe the impact of prolonged detention on mental health can be. In contrast, Mohammed Bin Nayef Al-Qahtani's case highlights the dangers of indefinite detention and legal uncertainty.

Governments, international organizations, and civil society need to address these gaps by enhancing legal responsibility, judicial monitoring, and access to justice. Plans should prioritize helping people recover rather than keeping them in jail for too long, ensuring proper citizenship, and preventing family separations. If firm action isn't taken, these problems will keep standing in the way of fundamental rights and everything the world claims to support when it talks about human dignity.

Recommendations

1. **Bolster International Human Rights Laws:** Establish more brassbound regulations and enforceable repercussions for countries that act against them.
2. **Guarantee Access to Legal Assistance:** Give legal support to individuals who are wrongfully detained, stateless, or separated from their families, ensuring their rights are upheld.
3. **Revamp Nationality Laws:** Amend citizenship laws to address gaps that leave individuals without nationality and ease their obtaining of citizenship.
4. **Limit Detention to Necessity:** Give precedence to community-based alternatives to detention, using incarceration only when necessary, in compliance with human rights standards.
5. **Implement Digital Identification Systems:** Create digital IDs for stateless people so they can be recognized and access services.
6. **Improve Refugee and Asylum Rules:** Strengthen systems for refugees and asylum seekers to stop forced family separations and make sure families stay together.
7. **Enhance Refugee and Asylum Systems:** Fortify refugee and asylum processes to prevent family separations and ensure families are kept together.
8. **Raise Awareness:** Launch educational campaigns to push back against anti-migrant narratives and put an end to discrimination against refugees and stateless people.
9. **Boost Human Rights Groups:** Strengthen international human rights organizations so they can do a better job of tracking and reporting abuses.
10. **Apply Pressure and Sanctions:** Use international pressure and sanctions against countries that are known for violating human rights.

Research Limitations

Although this research is rich in data and provides a comprehensive breakdown of illegal detention, statelessness, and family separation, it has certain limitations. One of the main constraints is data availability, which arises when governments either withhold or underreport information, rendering it challenging to measure the extent of these violations fully.

The research also primarily relies on secondary sources, which include reports from human rights organizations and international bodies. While these sources are plausible, the lack of direct testimonies from the affected population may restrict the range of individual experiences assessed.

Finally, while case studies like Kalief Browder and Mohammed bin Nayef al-Qahtani present insightful viewpoints, they do not reflect the experiences of all affected individuals. The impact of detention, statelessness, and family separation can fluctuate depending on political and cultural contexts. Future research must be based on direct interviews and empirical studies to enhance understanding.

Research Implications

This study shows crucial legal, policy, and humanitarian effects linked to human rights problems.

1. Legal Implications

The study unveils that legal instruments like the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights are not being appropriately followed. Weak judicial oversight, inadequate accountability mechanisms, and state sovereignty concerns hinder enforcement. Strengthening judicial independence, oversight bodies, and accountability mechanisms is necessary to ensure compliance with human rights obligations.

2. Policy Implications

Governments need to change their laws on detention, citizenship, and asylum to align with global human rights standards. Alternatives to incarceration, such as support groups, more legal help, and independent inspections of detention centers, can help protect people and prevent abuse.

3. Humanitarian Implications

People who are locked up with no sound grounds, have no country or are split from their families often deal with mental health issues and other various complications. Groups working on these issues should provide counseling, legal help, and programs to help them start over. Protecting refugees and fixing the problem of statelessness will also help alleviate risks.

Dealing with all these issues will lead to fairer treatment, better justice, and stronger teamwork between countries to protect people's rights.

Future Research Directions

Future studies should look at the long-term ramifications of illegal detention, statelessness, and family separation, particularly on mental health and social and economic outcomes. While much of the research so far has concentrated on legal gaps, there is a pressing need to understand how these issues affect whole communities and future generations. Comparing how different countries enforce human rights could provide valuable lessons, helping to develop global best practices. A deeper investigation into asylum policies, nationality laws, and detention systems will also offer essential insights for legal reforms. In addition, studies exploring the role of technology in protecting human rights, such as using biometric identification for stateless people or AI-driven legal support for detainees, could provide creative solutions. Research on the effectiveness of judicial accountability mechanisms and human rights litigation would also be helpful in strengthening justice and compliance.

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