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MOSAIC MYANMAR

Impacts of Conflict and Displacement on Myanmar Citizenship

Pre and Post 2021

IFM-Work Pap. Ser. No. 1/2025



1. Executive Summary

This research and policy brief focuses on conflict and displacement as key factors contributing to statelessness and barriers to acquiring and holding Myanmar citizenship. The brief is designed as a working document for discussing important issues relevant for local governance during the revolution and national and state-level governance in the future. To aid in these conversations and policy developments, it focuses on the historical and contemporary citizenship regimes of Myanmar to explore the relationship between long-running internal and international armed conflict, widescale and/or targeted displacement, racial, ethnic, gender, and religious discrimination, and citizenship acquisition and issuance of civil documentation.

Identifying these issues as intersecting, highlighting citizenship as a cross-cutting issue with consequences for sectors from protection to health, gender, food security, education, conflict, and more is an important step in rethinking how citizenship issues are understood and approached both today and in a future Myanmar. Until now, scholars and practitioners working on conflict and those working on citizenship rarely engaged each other outside of the Rakhine context, yet, as this research brief shows, the ‘citizenship issue’ and Myanmar’s long-running armed conflicts are closely intertwined.

Myanmar’s current citizenship legislation, the 1982 Citizenship Act, is widely acknowledged as not only discriminatory, but leading to statelessness for a wide variety of Myanmar’s peoples. While the most well-known group impacted by the 1982 Citizenship Act are the Rohingya, the Act also impacts a wide range of other vulnerable groups: orphans, women, children, refugees and displaced persons, people living in conflict zones, Hindus, ethnic Chinese, Muslims, and others not recognized as *taingyintha*, as well as many *taingyintha* who cannot prove their parentage or their residence due to the intergenerational impacts of conflict and displacement.

The brief provides a brief history of the relationship between conflict and citizenship and its contemporary impacts before providing policy recommendations for how citizenship gaps and challenges caused by conflict can be addressed.

2. Introduction

Throughout Burma’s history, while not all large-scale emigration and displacement were caused by military coups, every single previous military coup was accompanied by unprecedented displacement – following 1958, 1962, 1988, and 2021.¹ In a context of well-documented and widescale displacement due to armed conflict and military rule, claims to citizenship in Myanmar somewhat conversely focus on histories of emplacement. All claims to citizenship under the current 1982 Citizenship Law are reliant on documentary proof of

¹ Yangon Stories (www.yangonstories.com)

family members' citizenship or habitual residence in Myanmar prior to independence in 1948.

However, due to Myanmar's history of conflict and displacement, documenting family histories of settlement and residency are far from simple tasks. Large-scale emigration and repatriation during and after the Second World War alongside war-time destruction of records makes proving a pre-independence connection to Myanmar complicated at best. Conflict and civil war since independence have wiped entire villages off the map, reconfigured districts, and moved entire townships in and out of government control. Residents of conflict areas have faced multiple displacements, sometimes cross-border, and may have trouble proving links to Myanmar.

Figure 1: Large scale displacements following coups²

Coup	Number Displaced (selected displacement events not comprehensive totals)	Resettlement, Repatriation, Refuge
1958	62,000 households ~ 300,000 people from Rangoon evicted	<u>Thaketa</u> , North & South <u>Okkalapa</u>
1962	300,000+ repatriates/emigrants	Rangoon, India, Pakistan, China, Taiwan, UK, Thailand
1988	~ 400,000 to 500,000 people from Rangoon, 1.6 million evicted and resettled nationwide 250,000 Rohingya displaced to Bangladesh in 1991-1992; 10,000 students and dissidents and at least 16,000 Karen displaced to Thailand	In Rangoon: <u>Hlaing Tharyar</u> , <u>Shwepyithar</u> , <u>Dagon Myothit</u> Abroad: Thailand, Bangladesh
2021	3.5 million internally displaced and 185,000 cross-border displaced (documented) since the coup (millions in Thailand undocumented as refugees)	Thailand, India, Bangladesh, Malaysia, Indonesia, Sri Lanka, US, Australia

Furthermore, previous periods of military rule led to widespread exclusion of racial, ethnic, and religious minorities, borderland dwellers, cross-border migrants, and armed resistance actors from Myanmar citizenship. Narrowing access to citizenship after independence resulted in longstanding inequality and produced millions of emigrants, exiles, and stateless people within and beyond Myanmar's borders, with Myanmar's Muslim and Hindu minority communities particularly impacted. With the exception of the Rohingya, Myanmar's 'unofficial minority' communities – Hindus, Muslims, ethnic Chinese, Indians, and others not included in Myanmar's official list of 'national races' – who may be stateless or may struggle to access precarious and second-class citizenship status, have been largely excluded from discussions on conflict and displacement.

However, citizenship issues are not only limited to Rohingya and unofficial minorities, but impact households and individuals across all ethnic and religious backgrounds. *Taingyintha* communities impacted by conflict, displacement, enforced exile, and the break-up of families across borders are also currently facing or will face future barriers in accessing and acquiring

² This is not a comprehensive account of post-coup displacements, but rather meant to highlight how each coup was accompanied by large-scale displacements shortly following the coup. See: Lanjouw et al., 2000; Rhoads, 2018; UNHCR, 2025.

Myanmar citizenship.³ Although recent research has found that those most likely to be without documentation issued under the 1982 Citizenship Law are women, youth, and children, these groups have also been largely left out of the conversation on citizenship and statelessness.⁴

This research and policy brief focuses on conflict and displacement as key factors contributing to statelessness and barriers to acquiring and holding Myanmar citizenship. It examines these issues historically to provide a shared starting point for understanding, discussion, and policy formulation on the intergenerational impacts of conflict on contemporary citizenship issues.

3. Post-Independence Citizenship: Design

At independence in 1948 Burma was not only a newly decolonizing independent nation but also was recovering from the horrors of the Second World War. **The design of the post-independence citizenship regime attempted to at least partially account for the violence and displacement of the war** and the war's impacts on Burma's population, borders, and demographics. While this attempt is clear in the post-war legislation on citizenship, ultimately the post-independence citizenship policies were not able to include all those displaced by the war to or from Burma.

Hundreds of thousands of Burma's pre-war residents evacuated to India and China, leaving their families, properties, and businesses behind. Those who remained in Burma were often displaced, initially fleeing from Rangoon and later returning after the war. Rangoon itself was bombed multiple times, leaving buildings and infrastructure destroyed. Bombings of government offices resulted in destruction of records including property deeds and court proceedings. Households fleeing conflict left everything behind and tens of thousands were living in *basha* huts in vacant lots destroyed by Japanese and Allied bombs across the city.

Following independence, an increasingly descent-based conception of citizenship emerged in Burma. The Burmese government did not automatically grant citizenship to all residents of Burma at independence, even if they had been born in Burma. In the 1947 Constitution, citizenship by birth was reserved for those born of two parents of an 'indigenous race', or those born in Burma and with at least one grandparent of an 'indigenous race'. In practice, this meant that most *taingyintha* and mixed Indian and Chinese families (including *kapyas*, *Zerbadis*, and Anglo-Burmese) were citizens by birth and could opt to choose Burmese citizenship over any competing citizenship (British, Indian, Chinese, or other). However, **there were no provisions in the 1947 Constitution for natural born citizenship for those considered fully European, Chinese, or Indian.**

In deciding citizenship provisions for the 1947 Constitution and post-independence legislation, the Anti-Fascist People's Freedom League (AFPFL) made some efforts to account

³ McAuliffe, 2023; Mosaic Myanmar, 2023.

⁴ Mosaic Myanmar, 2023; NRC, 2017.

for wartime displacement from Burma. One of the pathways to citizenship under the 1947 Constitution was for those born in “His Majesty’s Dominions” (the British Empire) and who lived in Burma for **8 out of 10 years prior to the Japanese Occupation** (set as 1 January 1942) or **8 of 10 years prior to independence** (4 January 1948).⁵ This provision specifically accounted for the impacts of displacement on Burma’s population, allowing for both those who fled Burma due to the war in 1942 and those who lived in Burma throughout the Japanese occupation to make claims for Burmese citizenship.

The post-war citizenship legislation also had provisions for others who might have been affected by conflict and displacement or the break-up of families by war and later repatriation. For example, adopted or foundling children were included as citizens.⁶ Children of only one citizen parent born in Burma after independence were automatically Burmese citizens by birth.⁷ This meant that **widows and single mothers did not have to prove who their child’s father was in order for their child to obtain citizenship**. If the mother was a Burmese citizen (regardless of how that citizenship was acquired) and the child was born in Burma, then the child was also a Burmese citizen by birth.

To include long-settled Indians, Europeans and Chinese (both those who remained in Burma during the war and those who evacuated) who might want to opt for Burmese citizenship, the **1948 Union Citizenship Act** included a provision for natural born citizenship for those born in Burma to parents born in Burma and whose families were resident in Burma for at least two generations.⁸ This meant that **this group did not need to register or obtain any documents to prove their citizenship unless they wanted to – they were considered citizens by birth** under the post-independence legislation.⁹ Sometimes this group is referred to as “statutory citizens” as they were granted citizenship via legislation rather than the 1947 Constitution.¹⁰

The post-colonial citizenship regime was far from perfect and still largely exclusionary. Crucially, citizenship for those born in Myanmar was not automatic – those born in Burma before independence still had to qualify under specific categories to obtain citizenship by birth. But for children born after 1948, citizenship was acquired by birth in the union to **one** citizen parent.

⁵ Sec. 11(iv); see also: Sec. 4(1), 1948 Union Citizenship Act; 1948 Union Citizen Citizenship [Election] Act.

⁶ Sec. 2, 1948 Union Citizenship Act.

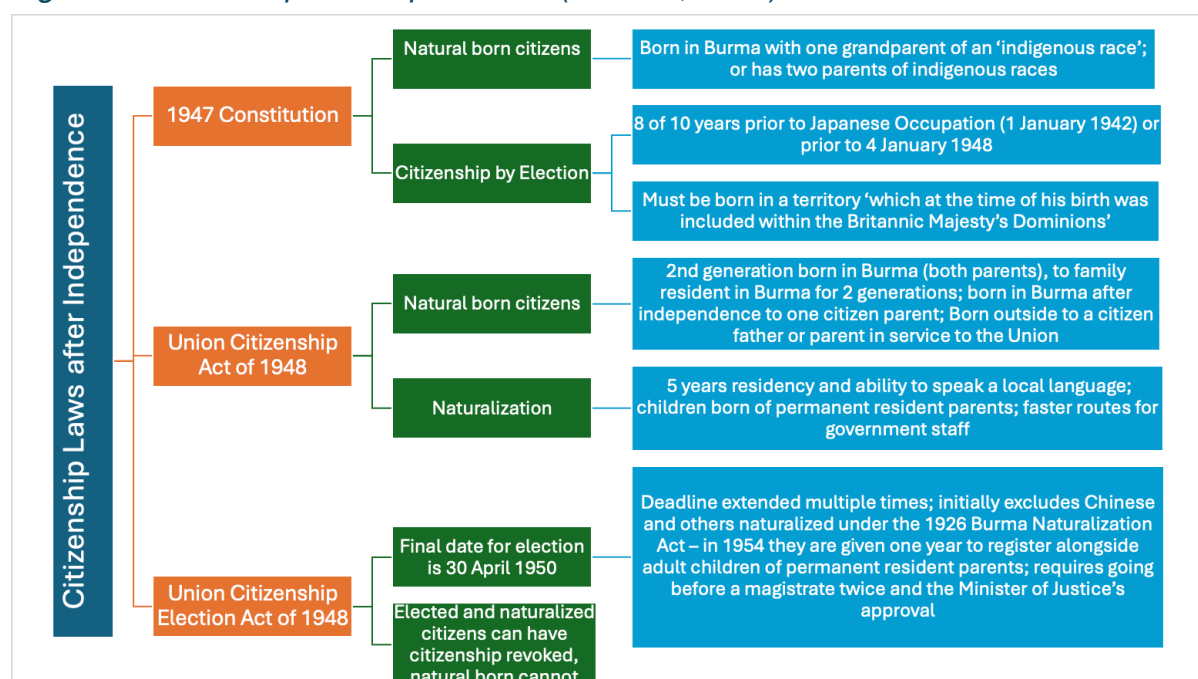
⁷ Sec. 5(1), 1948 Union Citizenship Act.

⁸ Sec. 4(2), 1948 Union Citizenship Act.

⁹ Sec. 6(1) and Sec. 6(3), 1948 Union Citizenship Act.

¹⁰ Following legal challenges in the 1950s, citizenship by election was expanded to include previously naturalized British subjects resident in Burma, allowing ethnic Chinese and others not born in the British Empire to apply. Prior to 1954, those who naturalized under the 1926 Burma Naturalization Act were considered British subjects under the 1947 Burma Independence Act, and were not eligible for citizenship by election under the 1947 Constitution. See: *Saw Chain Poon v. The Union of Burma* 1949. B.L.R. (H.C.) 408.

Figure 2: Citizenship at Independence (Rhoads, 2019)



4. Post-Independence Citizenship: Implementation

The **Union Citizenship Election Act** was the cheapest and easiest pathway for those not born in Myanmar and without a *taingyintha* grandparent to obtain citizenship after independence. However, this was a form of citizenship by registration, and it had a hard deadline of 30 April 1950. However, at that time, Burma was in the midst of multiple rebellions. By mid-1949, only an estimated 1 in 1,000 of Burma's resident Indians had applied for citizenship.¹¹ **Why did so few of Burma's Indian community register for citizenship after independence?**

Shortly following independence multiple armed conflicts were active across Burma. During the height of the rebellion in 1949, it was not only the Karen rebellion but also the communists, the *Mujahids* in Arakan, and the People's Volunteer Organization (PVO) across the country. This was not only a case of multiple simultaneous rebellions, but included mutinies in 1949 of more than half of the government forces.¹² Road and rail traffic between Mandalay and Rangoon was halted, with much of the country only reachable by air.¹³ Throughout 1949 and the first half of 1950, the Rangoon government was severely limited in their ability to govern across broad swathes of the country, particularly the Ayeyarwaddy Delta, Bago (Pegu), Karenni, Arakan, Toungoo District, Pyinmana, Mandalay, Magwe, Prome, Meiktila, Kyaukse, Maymyo, Thaton, Papun, Taunggyi, and other major towns and

¹¹ Indian Daily Mail, 1949; Rhoads, 2023.

¹² Callahan, 1996: 311.

¹³ Callahan, 1996: 400.

districts. **One contemporary journalist gave the figure that the ‘Rangoon government’ controlled only 1/17th of the country – hence the name “Rangoon government.”**¹⁴

Ancestors of today’s ‘unofficial minorities’ currently excluded from citizenship by birth under the 1982 Citizenship Law were included as both combatants and civilians in conflict areas, with displacement, destruction of homes and loss of belongings, deaths, and disruption of government services seen across affected areas.¹⁵ While rebellions were dubbed ‘Karen’ or ‘*Mujahid*’ they were diverse in make-up, with Burmans and Indians involved in the Karen rebellion especially.¹⁶ On the government side, soldiers included Karens as well as Gurkhas, Kachins and others.¹⁷ In early 1949 the Indian embassy in Rangoon estimated that of the approximately 700,000 Indian nationals in Burma over 100,000 were living in areas impacted by the Karen rebellion alone. The Karen rebellion impacted large trading towns across the country, but the focus was in the Delta, Pegu, and Toungoo (then the Karen capital), where Indians made up significant portions of the population.

Displacement events due to internal armed conflict in the 1940s and 1950s caused tens of thousands of Indians and other unofficial minorities caught in conflict areas to “repatriate” and for those who remained to miss deadlines for citizenship applications, with ramifications still impacting their descendants today. The Indian embassy evacuated 5,000 Indians from Insein in March 1949 and 850 in August 1949 after the Karens took Toungoo. While Insein was eventually recaptured by government forces in 1949, high levels of conflict in the areas around Rangoon remained, significantly curtailing travel in and out of the capital by road and train.¹⁸ By April 1949, 10,000 Indians had been repatriated to India due to the conflict – a majority of these were reportedly permanent residents, born in Burma, but leaving suddenly often severed family ties, resulting in the loss of important paperwork and genealogical knowledge.¹⁹

The Karen rebellion impacted access to administrative services across the country, including in Shan and Karenni States, where communication between Taunggyi and even surrounding areas in Southern Shan and Karenni was limited.²⁰ Many others in the Delta and other towns across the country were displaced. Some likely lost important documents

¹⁴ *Malaya Tribune*. 1950. “The Tale of Two Cities”, 13 January.

¹⁵ For example: *The Times of India*, 1949, Feb. 8; NAI, 1949. Burma: Political Situation In – Karen rebellion. External Affairs, Progs., Nos. 3(49)-BI, 1949 (Secret); Mazumder, R. 2019. “Illegal Border Crossers and Unruly Citizens: Burma-Pakistan-Indian Borderlands from the Nineteenth to the Mid-Twentieth Centuries.” *Modern Asian Studies* 53 (4): 1144–1182.

¹⁶ Tinker (1961: 56-57).

¹⁷ UKNA, FO 371/101006 “Report on tour of Upper Burma – the Shan States by H.M. Consul, Maymyo, 1952.

¹⁸ UKNA, FO 371/117026 “1954 Annual Review for Burma”, 1955.

¹⁹ *Reuter*, 1949. “Martial Law in Pegu.” *The Times of India*, 28 April.

²⁰ UKNA, FO 371/101006 “Report on tour of Upper Burma – the Shan States by H.M. Consul, Maymyo, 1952.

detailing their residency and family relations to fire or property destruction. Others joined the Karen National Defence Organization (KNDO) forces, and as such would not have had access to Burmese government identity documents and citizenship applications due to both their affiliation with the KNDO and their residency in areas outside of government control.

In towns impacted by the Karen rebellion, the Mujahids, the Kuomintang, or other armed actors and conflicts in the 1940s and 1950s, magistrates and immigration department officials were often themselves evacuated or displaced.²¹ Citizenship registration and naturalization procedures required accessing a town in the district of your residence that still had a functioning magistrate to process citizenship applications as there was no ministry of immigration at this time – and citizenship was processed in the court system.²² **The process of applying through a magistrate was a difficult to impossible task in 1949 and 1950 in many parts of the country.** In Toungoo, where Indians made up 25% of the population, Karen forces were administering the town.²³ Toungoo was bombed by the AFPFL government's air force in 1949 and remained outside of government control until March 1950, just a month before the deadline for citizenship by election.²⁴ Prome, another town with a large Indian population was not re-occupied by government forces until 19 May 1950.²⁵ Today's Karen State, including Hlaingbwe, Kawkaik, Hpa-An, Hpapun, and Thandaunggyi remained under KNDO control for much longer, with Kawkaik and Hpapun in particular outside of government control for the entire period of general eligibility for citizenship by election.

In 1950 the Burma Indian Congress petitioned the government to extend the citizenship application deadline for reason of rebellion.²⁶ It was not only that people in the districts were unable to apply due to the conflict, people in parts of the country with a functioning system were unable to reach their children, spouses or other family members in the districts to ask them about what they wanted to do. Should the family apply for Burmese citizenship or not? Should they stay in Burma or not? However, **U Nu's government refused to extend the deadline**, and those who missed the 30 of April 1950 deadline could only apply for citizenship by naturalization which required 5 years proof of residency, language abilities in a

²¹ Mazumder, R. 2019. "Illegal Border Crossers and Unruly Citizens: Burma-Pakistan-Indian Borderlands from the Nineteenth to the Mid-Twentieth Centuries." *Modern Asian Studies* 53 (4): 1144–1182.

²² Rhoads, 2023; Rhoads and Das, 2024.

²³ NAI, 1949. Burma: Political Situation In – Karen rebellion. External Affairs, Progs., Nos. 3(49)-BI, 1949 (Secret); Steinberg 1982, 39.

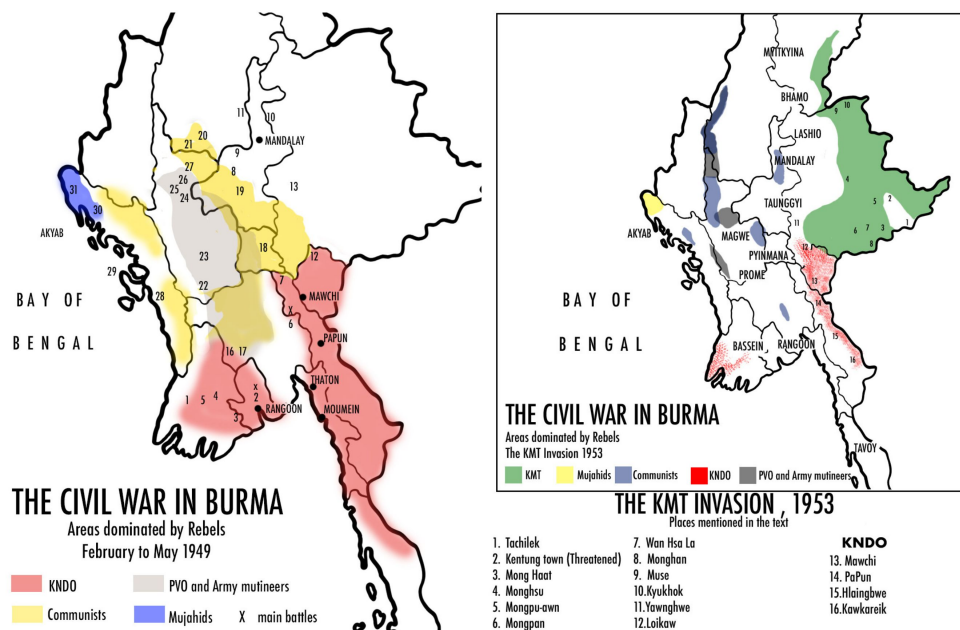
²⁴ Steinberg 1982, 39; NAI, 1949. Burma: Political Situation In – Karen rebellion. External Affairs, Progs., Nos. 3(49)-BI, 1949 (Secret).

²⁵ UKNA, FO 371/83110. "Re-occupation of Prome by Government forces on 19th May," 1950.

²⁶ Excerpt from Resolutions of the Burma Indian Congress (28-29 January 1950), *Journal of the Indian National Congress*, April 1950; *Times of India*, April 26, 1950.

‘local language’, and a fee of the equivalent of \$100-500 dollars depending on what year they applied and under which category – an insurmountable sum for a laborer or rural family.²⁷

Figure 2: Maps of the civil war and KMT invasion, drawn from Tinker (1961: 44 and 51).



Under the post-independence legislation, a document known as Union Citizenship Certificates (UCCs) were issued. Although these were the only documents that definitively proved Burmese citizenship (without a court decision) from 1948-1989, they were for people who elected for citizenship, were naturalized, or needed to otherwise prove citizenship.²⁸ ***UCCs were not documents issued to all citizens.*** Most citizens by birth – either those with *taingyintha* heritage, those born to one citizen parent, or those who were the second generation born in Myanmar before independence – did not need to use UCCs and never applied for them.²⁹ In fact, UCCs in the law were expressly noted for use in ‘clearing doubt’ about one’s citizenship status.³⁰ This lack of issuance of key citizenship documents under the 1948 Union Citizenship Act had severe intergenerational impacts, proving extremely detrimental to unofficial minorities in later decades.

²⁷ Malaysia had similar high prices for naturalization certificates, but after there were few applications, in 1951 the British lowered the rates from 100 Malayan dollars to 15 Malayan dollars to encourage more to apply. Burma did not initiate something similar until 1982, but with it a much more restrictive naturalization policy affording a lower tier of citizenship.

²⁸ Rhoads, 2023.

²⁹ Rhoads, 2023.

³⁰ Sec. 6(1), 1948 Union Citizenship Act; Rhoads, 2023.

While the post-independence citizenship regime provided far more access than the one that followed, it should not be seen as particularly inclusive or as the gold standard. In fact, it was due in part to issues with the 1948 citizenship regime that allowed for the 1982 Citizenship Law to be possible, as the vast majority of Myanmar's citizens were without documentary proof of citizenship issued under the existing citizenship legislation. This allowed the Ne Win regime to make repeated claims about different groups being foreigners, from Indians to ethnic Chinese to Rohingya. As no legislation after independence required citizens by birth under the 1947 Constitution or the 1948 Union Citizenship Acts to obtain or carry documents showing unequivocal proof of citizenship, in 1982 many citizens by birth were without documentation issued under the 1948 laws and could not defend themselves against the Ne Win regime.

5. Citizenship after Ne Win

A racialized conception of citizenship privileging *taingyintha* and widespread conflict in the early years of independence initially led to a slow implementation of naturalization and other policies which conferred citizenship on so-called “non-natives.” By 1957, only 8,496 citizenship certificates were issued, and while Ne Win's Caretaker Government expedited issuance of certificates, by 1959 the total number of certificates rose, but was only about 21,000 in total.³¹ These citizenship certificates, or UCCs, were separate from the National Registration Cards (NRCs) issued to nationals and Foreigners Registration Certificates (FRCs) issued to resident foreigners. Each of these documents was issued under different legislation.³² However, access to all of these documents varied depending on household finances, location, and conflict-affectedness. **In the 1950s and 1960s once roll out of the national registration scheme had reached most of the country, the border areas impacted by conflict were not yet part of the registration scheme.**³³

Ne Win's nationalization policies caused large scale emigration from Burma, with as many as 300,000 Indians leaving Burma following the 1962 coup. However, they also caused widespread displacement, with people of Indian heritage displaced from land and businesses in the countryside moving to Rangoon hoping to find work or board a steamer to India.³⁴ These populations mixed with other Indian and Chinese internally displaced persons uprooted by conflict during the previous decade. The Indian government chartered ships to ‘repatriate’ people of Indian origin to India – many of whom had never been there. In order to board the ships, families had to register with the Indian embassy to receive an “Emergency Certificate”

³¹ Rhoads, 2023; Union of Burma. 1960. *“Is Trust Vindicated?: A Chronicle of the Various Accomplishments of the Government Headed by General Ne Win During the Period of Tenure from November, 1958 to 6 February 1960.”* Rangoon: Government of the Union of Burma, p. 85.

³² UCCs were issued under the 1948 Union Citizenship Law and the 1948 Union Citizenship [Election] Law; National Registration Certificates were issued under the 1949 Residents of Burma Registration Act; and Foreigners Registration Certificates were issued under the 1940 Registration of Foreigners Act and its 1948 Rules.

³³ Verghese, B.G. 1961. “Illicit Chinese Immigration: Burma Concerned about Delicate Problem.” *The Times of India*, 2 August.

³⁴ Rhoads and Das, 2024.

(“EC”) allowing them to travel one-way to India. Many of those who applied for ECs were UCC holders or were otherwise Burmese citizens by birth. Due to the paperwork and waiting times for boarding ships to India many families remained in Rangoon for months. During the wait some family members got sick, passed away, or found employment in the city. Many changed their minds about returning to India due to chance events often entirely out of their control. Even though they never left Burma, because they registered with the Indian embassy to receive ECs, **they were seen to have taken the protection of another state, and their Burmese citizenship was revoked.**³⁵ Those who stayed behind in Burma were no longer Burmese citizens, but often no longer had familial ties to India either.

After the deadline for citizenship by election passed, Indians and Chinese hoping to naturalize had to pay large sums for every adult family member and wait years for application processing. If children turned 18 during the application process, they were not granted citizenship with their families, but had to reapply individually as adults.³⁶ Hundreds of thousands could not afford the expense or did not otherwise meet the naturalization requirements, including ability to speak a local language and support of two citizens of good standing. The Indian embassy in the 1980s estimated that 200,000 people of Indian origin alone held neither UCCs, NRCs, or FRCs, reporting this population as destitute and entirely undocumented.³⁷

Those impacted by conflict were worst off, with many residents of border areas realizing they did not hold NRCs or were erroneously issued FRCs. This was largely due to language, education and class disparities, as well as lack of incorporation into state structures, particularly for areas historically outside government control. Research conducted in 2020 found that women are most likely to be without citizenship documentation issued under the 1982 Law. Women were also most likely to suffer from illiteracy, and crucially could not correct mistakes when immigration officers issued them the wrong documents or wrote names and dates incorrectly.³⁸ **Illiterate mothers often passed their lack of citizenship to their children** or if they had citizenship, their children struggled to obtain it due to mistakes on their forms which their mothers could not notice or correct.

In 1982 Ne Win instituted a new citizenship regime for Burma. The 1982 Citizenship Law created a tiered citizenship system with those seen as *taingyintha*, or sons of the soil, a designation for ethnic groups habitually present in Myanmar prior to the British conquest – at the apex of the hierarchy. ***Taingyintha* are the only group which automatically acquires citizenship by birth under the law**, making citizenship for non-*taingyintha* possible, but subject to procedures, scrutiny, and complications.

³⁵ Rhoads, 2023; Rhoads and Das, 2024.

³⁶ Mosaic Myanmar, 2023; Aung Ko Ko et. al., 2024.

³⁷ National Archives of India. 1982. *Annual Report, Rangoon, 1981*. Ministry of External Affairs. File No. Hi/1011/(11)/82.

³⁸ Mosaic Myanmar, 2023.

The 1982 Citizenship Law is the first piece of legislation that limits citizenship by birth to *taingyintha* only. **The 1948 legislation and the 1947 Constitution contained multiple pathways to citizenship by birth – at least five different routes.** Although the previous legislation included multiple modes of acquiring Burmese citizenship, it only conferred one type of citizenship on all citizens. The 1982 Law creates three new categories of citizens: full, associate and naturalized, each with their own corresponding color-coded ‘citizenship scrutiny cards’ (CSCs). Full citizens are *taingyintha*, anyone with two citizen parents, and the third generation to receive documentation as naturalized or associate citizens under the 1982 Law.

The category of naturalized citizen does not correspond with the idea of naturalized citizen prior to 1982 – as under the 1982 Law there is no naturalization for anyone without family in Myanmar prior to 1948. Naturalized citizens are those who themselves or their forebears entered Myanmar prior to 1948 but never applied for citizenship documentation under the 1948 legislation. **Most of those now qualifying for naturalized citizenship would have been categorized as citizens by birth under the 1947 Constitution and 1948 legislation.**

As national registration cards (NRCs) were not citizenship documents but rather identity cards, many NRC-holders found themselves without citizenship status. This was the case for the Rohingya, who largely held NRCs, but had them withdrawn in 1989-1990 during the roll-out of new documentation issued under the 1982 Citizenship Law prior to the 1990 elections.³⁹ While those in other areas of the country generally (though not always) had their NRCs replaced with citizenship scrutiny cards (CSCs), Rohingya were not afforded the same treatment. Mass forced displacement from Rakhine State to Bangladesh in the early 1990s resulted in loss of documents for many, unregistered births abroad, and further complicated citizenship access.

Students, activists, and others involved in the 1988 uprising who fled abroad often left prior to the issuance of CSCs. They too were without citizenship documentation under the 1982 law and under the new legislation, were able to have their citizenship stripped when taking out a travel document of another country or permanently leaving Myanmar. **Under the 1982 Law these 1988 Generation activists currently have no right to reapply for Burmese citizenship.** Furthermore, 1988 Generation activists holding naturalized or associate citizenship could have their citizenship stripped while still inside Myanmar for engagement with unlawful associations.⁴⁰

In practice, limiting natural born citizenship to national races or *taingyintha* creates a category of unofficial minorities – those not recognized as official national races by the state. It also means that **citizens are often judged on how they look or speak or which religion they profess.** If one can claim to be *taingyintha* and Buddhist, then the process for acquiring citizenship is fast, usually less than a week according to research conducted in 2020.⁴¹

³⁹ Brinham, 2025.

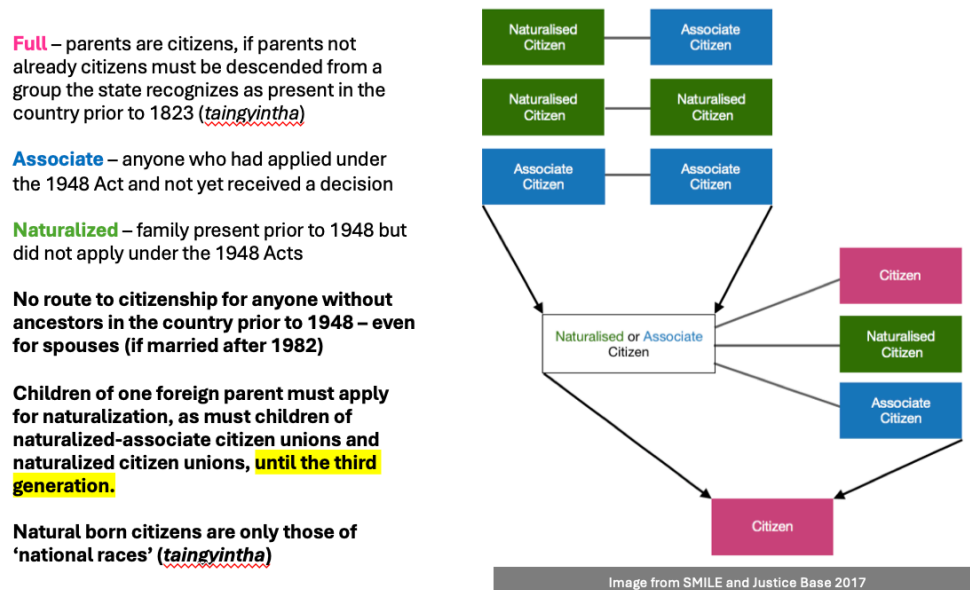
⁴⁰ Secs. 35 and 58, 1982 Citizenship Law.

⁴¹ Mosaic Myanmar, 2023.

Taingyintha minorities have long reported that the emphasis on religion and ethnicity in the citizenship scrutiny process has led to Christians being reclassified as Buddhist or Mon reclassified as Bamar or Mon+Bamar by state officials, with real material consequences for political representation and customary and personal law issues like inheritance. Burmese Muslims have faced extreme difficulties in registering their Bamar ethnicity and Islam as their religion. They are seen by officials to have embraced a foreign religion and this foreign religion must have come from a foreign parent or grandparent. **The idea that religion is passed through blood rather than conversion makes Burmese Muslims' heritage and genealogy suspect, raising doubts on their claims to be Bamar, Shan, Karen, or other *taingyintha* identities.** The rhetoric of suspicion over their 'true' ethnicity requires religious minorities to undergo further screening to be granted citizenship. This is the case for every single Muslim child in Myanmar – not only Rohingya. It also applies to Hindus, and anyone who appears South Asian or Chinese.

Section 7 of the 1982 Citizenship Law promises that after the third generation of documents issued under the law that there will be only one type of citizenship: full citizens – albeit with two routes, by birth and by registration. However, the law requires that children be born to two parents who hold citizenship documentation at the time of the child's birth. Research conducted in 2020 found **an average wait time for unofficial minorities of six years from first application for citizenship at age 18 until documentation was issued under the law.**⁴² This suggests that many families have children prior to obtaining citizenship documentation, making their children ineligible and deferring the promise of full citizenship to the next generation.⁴³ By 2025, almost 43 years after the 1982 Citizenship Law was promulgated, **researchers have yet to find evidence of the third generation receiving citizenship under Section 7 of the act.**

Figure 3: 1982 Citizenship Law



⁴² Mosaic Myanmar, 2023.

⁴³ Rhoads, 2023.

6. The Spring Revolution and Contemporary Impacts of the 1982 Law

The 2021 military coup by the State Administration Council (SAC) and the subsequent Spring Revolution has caused unprecedented internal displacement, as well as new types of refugee flows into India, Thailand, and elsewhere. The scale of displacement has multiple impacts on citizenship documentation, acquisition, and the right to nationality for those both residing in Myanmar and abroad. This current citizenship crisis impacts adults, children, and future Myanmar generations.

6.1 Access to Documentation

Displacement, air strikes, and arson have led to the loss of civil documentation including residency and legal identity documents. In areas where administrators have been replaced by State Administration Council (SAC) appointees following the coup, local residents are dependent on their cooperation to obtain civil documentation, including household lists and citizenship scrutiny cards. In areas with armed conflict, arson, or air strikes, this cooperation is even more important, as documents may have been destroyed in the conflict. Displaced households must rely on the cooperation of the administrator in their new place of residence.

Erasure of villages from government maps, particularly in Karen National Union areas prior to the 2012 ceasefires provides some insights. Those living in or born in villages not under Myanmar government jurisdiction or erased from Myanmar government maps were required to rely on the administrative discretion of nearby village administrators in order to access state documents.⁴⁴ Due to both cross-border and internal displacement and changing territorial control, particularly from the 1980s onwards, **today there are still taingyintha resident in Myanmar without any civil documentation and thousands more abroad who are stateless.** Reliance on village administrators to provide access when the village has been relocated or destroyed, and villagers dispersed means that many have not been able to access documentation and with it, their right to nationality, due to the conflict.

For children and future generations, these types of concerns will likely continue in the current revolution. Those born in liberated areas, IDP or refugee camps, or Thailand may not be able to access civil documentation services or are able to access those provided by EROs or Thai authorities but not the SAC. How and if their ERO or Thai-issued documents will be recognized as conferring Myanmar nationality in the future is currently unknown.

In other areas, attacks on National Registration and Citizenship Department (NRCD) offices have led to loss of documents key to processing legal identity documents for unofficial minorities.⁴⁵ Unofficial minorities are required under the current procedures to collect the original documents of their deceased parents and grandparents at the district NRCD offices

⁴⁴ Rhoads, et. al., *forthcoming*.

⁴⁵ Rhoads, et. al., *forthcoming*.

where their family members died. Without the original documents they may be unable to prove their cases and obtain documentation of their citizenship. This decreases wages and job opportunities as well as mobility both within Myanmar and abroad and increases the likelihood of forced conscription.

6.2 Denationalization

Since the coup, although the 1982 Citizenship Law specifically prohibits the revocation of citizenship of citizens by birth,⁴⁶ the SAC has denationalized dozens of revolutionary actors and dissidents.⁴⁷ The SAC have used Sec. 16 of the 1982 Citizenship Law, which allows for the cessation of citizenship of those who either a) permanently leave Myanmar; b) acquire or register for another country's citizenship, or, c) those who take out a passport or similar travel certificate of another country. The use of this provision not only puts at risk members of the National Unity Government (NUG) and other political activists and leaders who fled the country following the coup, but also puts at risk of denationalization those who found themselves outside of Myanmar in 2021, unable to return due to Covid-19, or who have left since the coup to flee forced conscription and other forms of violence.

However, **provisions allowing for denationalization or citizenship cessation for associate and naturalized citizens are far broader.** Associate and naturalized citizens (essentially citizenship statuses reserved for unofficial minorities),⁴⁸ can have their citizenship revoked for trading, communicating, or abetting trade and communication with a hostile organization or its members (i.e., EROs, NUG, etc.); endangering sovereignty, security, public peace or tranquility either by committing an act or being about to commit an act (i.e., protesting); showing disloyalty to the state including via speech (i.e., social media posts); sharing state secrets (i.e., strategic locations, identities); committing an offence of moral turpitude (this can include murder, child abuse, kidnapping, rape and other morally reprehensible crimes).⁴⁹

While *taingyintha* citizenship can only be revoked by leaving the country for good or obtaining another nation's documents, **for unofficial minorities without full citizenship, most everyday acts of supporting the revolution can be considered offences which lead to denationalization under the 1982 Law.** Furthermore, the current legislation does not allow for those whose citizenship has been revoked to reapply.

6.3 Child Statelessness

The 1982 Citizenship Act currently provides few protections for stateless children and multiple pathways which lead to child stateless. Some of these provisions specifically impact

⁴⁶ Sec. 17, 1982 Citizenship Law.

⁴⁷ Nyi Nyi Kyaw. 2022. Citizenship stripping in Myanmar as lawfare. *Statelessness & Citizenship Review*, 4(2): 280-285.

⁴⁸ Although unofficial minorities can and do have full citizenship, only unofficial minorities are found amongst associate and naturalized citizens.

⁴⁹ Secs. 35 and 58, 1982 Citizenship Law.

unofficial minorities, while others apply to *taingyintha* as well. Children most at-risk of statelessness are:

- 1) Children born to one or more parents without citizenship documentation;
- 2) Children born to illiterate parents or parents unable to read Burmese where children's names and biographical information on the birth certificate, household registration list, parents' citizenship scrutiny cards, or other documents do not match;
- 3) Children born abroad where parents are unable to register the child's birth at the Myanmar embassy due to financial, security, distance, or other reasons;
- 4) Children born in areas with no birth registration or liberated areas where there is registration, but it may not be recognized as conferring Myanmar nationality;
- 5) Orphans and foundlings;
- 6) Children of single mothers born inside or outside of Myanmar's borders.

The current law specifically excludes adopted children from acquiring the citizenship of their adopted parents and makes it impossible for the child of an unknown parent or non-citizen parent to obtain full citizenship. This is particularly problematic in the context of armed conflict and forced displacement, where parents may be killed or separated from their children, or where destitute parents impacted by the economic downturn of the coup may leave children abandoned at orphanages or children's homes without identification. Under the current citizenship legislation, these children, obvious victims of the ongoing conflict, have no right and no pathway to Myanmar citizenship.

Rohingya in camps in Bangladesh and elsewhere without citizenship documentation are the group most affected by being unable to register the births of their children with the Myanmar embassy abroad, resulting in widespread child statelessness. Other displaced families with children born abroad may be unable to register their child's birth at the Myanmar embassy for fear of taxation or fear of repression if they are known dissidents. While previously migrants with children born abroad could register their children's births at the embassy, and on their household list in Myanmar, those fleeing from conflict areas may have no way to update their household lists or no administrator to assist them. Children born in liberated areas may not have birth registration, and those who do, may later have trouble proving Myanmar nationality.

7. Recommendations and Discussion Points

This brief makes no recommendations on questions of state or region level citizenship, domicile, or residency. All discussion points are for discussions on national/federal/union citizenship.

As abolishing the current 1982 Citizenship Law without a framework to replace it would result in increased rather than decreased statelessness, the recommendations are designed for

future citizenship legislation and constitution-drafting processes. Many of these recommendations can be addressed generally as provisions in a transitional constitution framework and expanded with legislation later.

7.1 Dual Nationality

Historically, one of the major difficulties in determining a coherent, equitable, and easy to implement citizenship policy has been provisions barring dual nationality. This made drawing the lines between groups and individuals complicated and marred by court cases after independence, and highly discriminatory under the Ne Win and military regimes. Allowing for dual nationality either liberally or in specific instances will streamline nationality and citizenship policy, reduce child statelessness, reduce burdens on women and youth, and account for decades of displacement, dispossession, and conflict. Additionally, allowing for dual nationality achieves several other objectives important for a future Burma:

- 1) Recognizes the contributions of the diaspora financially, administratively, and organizationally to the revolution;
- 2) Potentially increases the tax base – an important element in rebuilding Burma following the revolution;
- 3) Acknowledges the rights of political exiles, refugees, and others who have been denationalized by the SAC or have been de facto denationalized under the 1982 Citizenship Law by obtaining a foreign identity document (including travel documents and *titres de voyages*).

7.2 Citizenship by Birth

Globally, citizenship can be acquired at birth in multiple ways:

- 1) by birth to one or more citizen parents;
- 2) by birth in a territory;
- 3) a combination of the above.

At no point has Burma ever had birthright citizenship (acquired by birth in a territory alone). Citizenship has always been conceptualized as a mixture of blood and family or individual residency. As such, this has led to the exclusion of multiple groups, especially children, such as orphans, foundlings, children born to single mothers, and children of cross-border migrants. These issues are particularly acute in the context of displacement and conflict. However, just because Burma has never offered birthright citizenship does not mean that it cannot change to reflect the current crisis. **The surest way to reduce child statelessness in Burma is to offer a birthright citizenship policy.**

In the absence of birthright citizenship, other steps can be taken to ensure that children acquire citizenship at birth and no child is stateless or without documentation. These can include abolishing the practice of discrimination between *taingyintha* and others in how

citizenship is acquired, so that all children of at least one citizen parent are citizens by birth.⁵⁰ A more radical version of this policy would be to remove the concept of *taingyintha* from citizenship policy, documents, and legislation altogether.

7.3 Citizenship by Descent

Citizenship by descent should return to birth to one citizen parent as it was from 1948-1982. This is the policy that most supports women and accounts for the impacts of conflict, forced or labor migration, and displacement. Currently, children of women who conceive via rape, or whose fathers are unknown, uncertain, or foreign, cannot obtain their mother's citizenship. At best, they may apply for naturalized citizenship under the 1982 Citizenship Law when they turn 18, but they must undergo childhood statelessness and may wait years for their application to be processed.⁵¹

7.4 Naturalization

Currently, Burmese citizenship legislation does not allow for naturalization as understood under international law. The 1982 Citizenship Law allows for the state to 'confer' citizenship on anyone they desire, but there is no right to naturalize or process to do so for anyone who entered the country after 1948.⁵² The only exception to this is the spouses of citizens who were holding Foreigners Registration Certificates (FRCs) issued prior to the 1982 Law. They can apply for naturalization provided that their spouse is still alive, and the spouse does not die or divorce them during the process.⁵³

Allowing naturalization, particularly for spouses, parents, or dependents of Burmese citizens, or other select categories of people would recognize the displacement and migration brought about by decades of conflict. Alternatively, Myanmar may opt for a more liberal naturalization policy based on a period of lawful residence or service to the revolution or the country.

7.5 International Conventions

In the future, Myanmar should accede to the following international conventions with a bearing on citizenship and statelessness:

- 1951 Refugee Convention
- 1954 Convention relating to the Status of Stateless Persons

⁵⁰ Under the 1982 Citizenship Law only *taingyintha* are citizens by birth, and full citizenship requires both parents to be Myanmar citizens. This means that currently mothers cannot pass down their citizenship to their children, even if the father is dead, unknown, or does not recognize the child.

⁵¹ Secs. 43-44, 1982 Myanmar Citizenship Law.

⁵² Sec. 8A, 1982 Myanmar Citizenship Law.

⁵³ Secs. 45 and 57, 1982 Myanmar Citizenship Law.

- 1961 Convention on the Reduction of Statelessness
- 1966 International Covenant on Civil and Political Rights
- 1998 Rome Statute of the International Criminal Court

7.6 Study Comparative Cases

Burma should study comparative cases, particularly in ASEAN, for ways to expand citizenship and belonging beyond ethnic categories and to reduce child statelessness. If a more liberal citizenship regime is desired, the comparative cases can expand to European Union countries, Canada, Mexico, and the United States.

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