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# The partialization (and parcelization) of citizenship?

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## ABSTRACT

In 2016, Turner argued that ‘we are all denizens now’. Taking this argument and the proliferation of quasi-citizenship as a starting point, this article argues that such an argument masks the enduring importance and exclusionary power of citizenship. This article considers quasi-citizenship as a more precarious and less secure status than citizenship, but less precarious and more secure status than non-citizenship. Taking the UK EU Settlement Scheme as a case-study, the article exposes the realities of quasi-citizenship as an intermediary status that seeks to exclude migrants from citizenship. Overall, the article argues that expanding quasi-citizenship policies suggest 1) the weakening of citizenship as a status, via offering increasingly lesser and fewer rights (partialization), 2) the hardening borders of citizenship, and 3) the parcelization of citizenship, with the gulf of differentiation increasing between those who have secure access to the rights and status of full citizenship and those who do not.

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## Introduction

In the last decades, state policies of quasi-citizenship – whether denizenship or ethnizenship – have expanded, as has literature covering such an expansion.<sup>1</sup> For example, following the degradation of the welfare state, Bryan Turner (2016) argued that ‘we are all denizens now’ given the weakening of social rights attached to citizenship to the extent of being comparable to those of denizens.

In this piece, I consider denizens – primarily migrants – as a first sub-type of quasi-citizens. Denizens hold certain rights such as residency and employment but lack membership of the state (and often membership rights). For denizens, quasi-citizenship is a form of exclusion of residents from full citizenship. I also consider a second sub-type of quasi-citizens – ethnizens – non-resident co-ethnic communities eligible for some rights and benefits of ‘quasi’ citizenship from kin-states, like Poland, Hungary, and Russia, but which fall short of the full membership status (citizenship). For ethnizens, quasi-citizenship is a form of inclusion since these communities do not reside in the state granting them rights. Thus, while quasi-citizenship is less secure and more precarious than citizenship, its two sub-types expose states’ different intentions: migrant exclusion, and co-ethnic inclusion.

Such an argument – that ‘we’re all denizens now’ – is poignant for reminding us that citizenship has become weakened (see also Cohen 2009). However, it disguises the growth of quasi-citizenship as a category of citizens, state policies, and practices, and the growth of both denizenship and ethnizenship as sub-types of quasi-citizenship. The most recent expansion of denizenship concerns the UK’s EU Settlement Scheme (EUSS) in the wake of Brexit. EU citizens residing in the UK *had* to apply for EUSS and, by June 2021, over 6.5 million had applied.<sup>2</sup>

EUSS offers an opportunity to address what quasi-citizenship policies mean for citizenship more generally. Arguing *we are all denizens now* masks the enduring – rather than waning – importance of citizenship and the role of states in conferring and restricting citizenship rights. For many, citizenship is not an option and remains a hardened and impenetrable status, increasingly out of reach whether due to rising access requirements or costs.

What do quasi-citizenship policies mean for states, citizens, and the institution, concept, and study of citizenship in the twenty-first century? In this piece I argue that the expansion of quasi-citizenship highlights not only the weakening of citizenship but, conversely, its hardening. Expanding quasi-citizenship suggests both the weakening of citizenship via offering increasingly lesser and fewer rights (partialization) and its enduring consequences for life chances. Additionally to partialization is the parcelization of citizenship: the increasing gulf that differentiates between those who have secure access to the rights and status of full citizenship and those who do not.

### Quasi-Citizenship: more precarious than citizenship, less precarious than non-citizenship

To understand quasi-citizenship, it is useful to construct a spectrum between citizenship, quasi-citizenship, and non-citizenship (Table 1). After all, quasi-citizenship maintains a ‘binary distinction’ between members and quasi-members (Bauböck 2017, 67–68), that itself disrupts the more problematic binary of citizen and non-citizen, or citizen and statelessness (Cohen 2009; Lori 2019). Such a spectrum exposes how quasi-citizenship is less secure and more precarious than citizenship, but more secure and less precarious than non-citizenship.

Defining citizenship as a bundle of rights, benefits, and duties, and as the status of membership in a polity, quasi-citizenship offers some but weaker rights, benefits, and duties akin to citizenship (Table 1). That is, quasi-citizenship confers more rights and benefits in terms of residency rights, employment rights, social benefits (like welfare), and political rights (voting) than non-citizenship, but less than citizenship. Similarly, duties are also more minimal for quasi-citizens compared to citizens, such as those concerning taxation (if employed), and quasi-citizens are not typically bound by duties like military and jury service. In turn, duties are even more minimal for non-citizens than quasi-citizens (Table 1). Eligibility also differs: citizenship is acquired by birth in a state or via naturalization; quasi-citizenship is a status acquired through migration (denizenship) or conferred co-ethnically by a kin-state (ethnizenship); non-citizenship status is acquired through visas for migrants or asylum status.

**Table 1.** Distinguishing Quasi-Citizenship from Citizenship and Non-Citizenship.

	Citizenship			Quasi-Citizenship	Non-Citizenship
Rights and Benefits	Membership	Yes		No	No
	Residency	Yes		Yes	Dependent on visa
	Employment	Yes		Yes	Dependent on visa
	Social rights (e.g. welfare)	Yes*		Yes*	Dependent on employment
Duties	Vote in national elections	Yes		No	No
	Vote in local elections	Yes		Yes	No
	Pay tax	Yes		Yes	Yes
	Military service	Yes		No	No
Risks	Jury service	Yes		No	No
	Expatriation/deportation	No		Yes**	Yes
	Forced revocation	Maybe*		Yes**	Yes
	Right to return/Loss during period of absence	No (normally)		Yes (tied to residency)	Yes
Objects	Internationally Regulated Eligibility	Yes		No	No
	Acquired via birth (territorial or blood rights) or via naturalization			Migrants with permanent residency (denizenship); kin with residency rights (ethnizenship)	Migrants on visas, asylum seekers

\* Dependent on state

\*\* E.g. for reasons of criminality

The key right of quasi-citizenship, for both denizenship and ethnizenship, concerns the right to residency and employment. For example, while asylum seekers, as non-citizens, often have no right to work, quasi-citizens can often permanently reside and work. More often than not, quasi-citizenship also does not grant membership-derived rights, especially political rights like the right to vote in national elections (although quasi-citizens can often vote in local elections).

Quasi-citizenship is also a more precarious status relative to citizenship with greater risks because the granting state retains greater discretionary power over the individual (Table 1). While citizenship is externally regulated by international law and other states, quasi-citizenship is a firmly domestic status between an individual and a host- or kin-state. While citizenship revocation, or ‘banishment’, was rare and extreme in democratic states after 1945, in recent years established democracies, such as the UK, Canada, Australia, Finland and the Netherlands have increasingly engaged in this practice (Gibney 2020).<sup>3</sup> Still, quasi-citizenship remains a weaker and more precarious status since there is little to nothing legally or internationally prohibiting a state from revoking quasi-citizenship (and non-citizenship) rights when such a status requires ‘good behaviour’ (Turner 2016, 683). States can deport those with quasi-citizenship rights from the state or withdraw the status, for example if they have a criminal record, thereby rendering them illegally residing and/or working in the state. Nor does quasi-citizenship grant a right to return because if a quasi-citizen leaves the state, they may lose the right to return to reside and work in that state after a certain period.

Finally, quasi-citizenship rights can be a solution for those residing or hailing from states that prohibit dual/multiple citizenship. While most states now tolerate dual citizenship, whether for immigrants, emigrants, or kin, many notable states continue not to tolerate dual citizenship, from China, India, Germany (for non-EU citizens), Japan, Netherlands, South Korea, to Spain. Quasi-citizenship rights, therefore, do not infringe on dual citizenship restrictions and allow some rights to be acquired without foregoing or renouncing citizenship, or having to choose between citizenship of one state versus another, or perhaps even reduce the need or desire to acquire citizenship in the first place. Even as a solution to navigating dual citizenship restrictions, quasi-citizenship exposes the enduring significance of citizenship as a status that is becoming hardened, more exclusionary, and more difficult to achieve, and that leaves in its wake a less secure and more precarious status of quasi-citizenship.

### ***Quasi-Citizenship: a status for migrant exclusion and co-ethnic inclusion***

To understand who quasi-citizens are, it is worth re-emphasising that quasi-citizenship policies comprise two sub-types: both those whose rights are restricted from citizenship (denizens) and those who, in many ways, are gaining rights that fall short of full citizenship (ethnizens). My emphasis, here, differs from those who focus only on the restriction of rights of those who are quasi-citizens, or hold ‘semi-citizenship’ (Cohen 2009) or ‘flexible citizenship’ (Ong 2005). Rather, these two sub-types of quasi-citizenship reflect the juxtaposition of state logics to simultaneously include (co-ethnic communities via ethnizenship) and exclude (migrants via denizenship).

Denizenship, predominantly, is a status for resident migrants with permanent residency. In these instances, rights acquired are post-national (neither determined by ethnicity nor citizenship) though restrictions to rights, namely membership, are determined by citizenship and national borders. The relationship is internal between an individual migrant and a 'host-state'. Examples of quasi-citizenship policies for denizens include, among many others, rights of residency but not membership for Commonwealth citizens in the UK (1971/1981), guest worker programs in the 1960–70s in Germany and the Netherlands, migration rights of post-Soviet citizens in other post-Soviet states, the Green Card in the US, and the UK post-Brexit policy of EUSS since 2019.

Denizenship is also often considered an intermediary and temporary holding status between migrant and citizen, whether in terms of rights, or for those from or residing in states that tolerate dual citizenship. At the same time, states' different solutions to temporary residency for migrants indicates that such 'temporary' policies can also have an ambiguous permanence to them by locking migrants into solutions that can be difficult to navigate out of (Lori 2019). In other words, the effect of denizenship is exclusionary, restricting citizenship from migrants participating and residing in the state but unable to obtain citizenship.

Conversely, ethnizenship is a status for co-ethnic kin residing in the kin-state. Whereas denizenship is exclusionary vis-à-vis resident migrants, ethnizenship is inclusionary vis-à-vis external co-ethnic communities. The rights acquired via ethnizenship are extra-territorial ethnic rights, rather than post-national, since they are determined by co-ethnic claims by a kin-state. Examples of quasi-citizenship policies for ethnizens include Overseas Citizenship of India and Person of Indian Origin cards, and visa programs for Overseas Koreans for descendants of Indian and Korean citizens, respectively. Since the collapse of Communism and ethno-federations like the Soviet Union – especially states in Central and Eastern Europe – have led to a growing number of ethnizenship kin-state policies. Prominent examples include the Hungarian Status Law, the Polish Karta Polaka, and Russian Compatriot policy which all offer rights of residency and employment to those claiming ethnic (or cultural/linguistic) or citizenship descendancy ties to these states or their former territories.

In central and eastern Europe, in particular, states conceive policies of ethnizenship as compensatory and designed to right what they view as the wrongs of history, such as territorial loss of kin communities. While many kin-states mobilize this discourse, ethnizenship policies are also designed (successfully or unsuccessfully) to attract what kin-states view as desirable, or more desirable, migrants to the labour force given ethnocultural affinities and linguistic skills. In other words, it is not a coincidence that the kin-states investing in such schemes, like Russia and Hungary, are themselves increasingly both ethno-nationalist if not xenophobic states that are undergoing demographic crises with high rates of emigration, low fertility rates, and declining populations, especially among the working-age population. That is why it is worth juxtaposing the two quasi-citizenship sub-types, with ethnizenship often used to attract and include more ethnically and linguistically desirable labour migrants while denizenship is used to restrict less ethnically and linguistically desirable labour migrants from citizenship.

## Settled status as a more precarious status of quasi-citizenship than EU citizenship

Is the UK's EUSS policy for EU citizens an example of quasi-citizenship and denizenship, more specifically? We could conceptualize the UK's policy of Indefinite Leave to Remain (ILR) for non-EU migrants, for example, as a form of quasi-citizenship (denizenship). ILR is a status of permanent residency and right to employment for which one must apply after residing in the UK for a certain period. In that sense, EUSS is commensurate with ILR since EU citizens residing in the UK *must* apply or risk losing access to healthcare, employment rights, and the right to reside in the UK legally.<sup>4</sup> But, it is also worth setting EUSS in the broader context of EU citizenship to compare the rights, duties, and risks. As a form of quasi-citizenship, EUSS is precisely more precarious and less secure compared to EU citizenship and full citizenship. In turn, EUSS as denizenship exposes the enduring significance and exclusionary nature of citizenship, as a status that differentiates between those with and without the security of full membership, and those able to afford or not the increasingly high costs of citizenship. This weaker form of quasi-citizenship exposes the simultaneous hardening of citizenship, and the borders of citizenship, as a more desirable but less attainable status and bundle of rights.

The UK's withdrawal from the EU (Brexit) has entailed the decoupling of UK citizenship from EU citizenship. The lived experience and institutional changes to citizenship and withdrawal of rights from such a large community in the UK wrought by Brexit are on a scale unmatched since colonial independence (Guild 2016). What is especially striking is the transformation of a large community of EU citizens in the UK who, while retaining EU citizenship, have lost the privileged status they had in the EU, and are now forced to think (and worry) about their immigration status.

Rather than debate what EU citizenship is (or whether it is citizenship in the first place), I focus here on how EU citizenship is a form of multi-level citizenship (derived from member-state citizenship) that also 'incorporates a quasi-citizenship type of status' (Bresky 2020, 248). Brexit has not transformed the institution of EU citizenship. However, it has reinforced certain deficiencies in the nature of EU citizenship and the rights attached to this status; namely, that it is a status gained indirectly. EU citizenship does not confer interminable rights; instead, such rights require one to be a citizen of an EU member-state and be exercising such rights within a (current) EU member-state.

There might not be many significant differences when comparing EU citizenship to EUSS as statuses of quasi-citizenship, at least for those able to prove they have resided in the UK for five years. For example, there are no differences in terms of residency, employment, social, or voting rights. The main difference is the need to *apply* (and meet eligibility criteria) for EUSS by the June 2021 deadline, and be able to demonstrate evidence of rights to residency to employers, landlords and at the border. In other words, once (or if) the status of EUSS is achieved, the status does not appear that markedly weaker.

But there are some key differences. While the UK confers EUSS rights, member-states do not have discretion to remove rights to EU citizenship apart from removing free movement rights in an individual member-state. Additional differences concern the greater discretionary power of removal and revocation of the status. While EU member-

states could deport and were deporting EU citizens who had committed crimes, the EU specified that free movement could not be denied on the grounds of previous convictions. In contrast, those with prior convictions can now be denied EUSS and be deported.<sup>5</sup>

Moreover, EUSS has been implicated in many problems relating to access to the status in the first place. For example, there have been significant concerns regarding Home Office resourcing and capacity to process the huge number of applications, as well as errors made on decisions to applications, the rights to legal support/aid and recourse for those whose applications are refused by the Home Office. A particular concern relates to the eligibility and capacity of vulnerable EU citizens to access settled status.<sup>6</sup> In particular, O'Brien (2021) highlights how women, whether due to caring or age, among other reasons, may disproportionately be in the vulnerable category – in ways that the UK government has not accounted for – as well as children who cannot claim a right to settled status on their own terms but only via their parents. Finally, EUSS had a hard deadline meaning that those who failed to apply before (30 June 2021) are no longer entitled to remain and work in the UK, regardless of the lives and social ties built, and instead are exposed to the UK's hostile environment vis-à-vis migration, including possible deportation. The horrors of the hostile environment and the threat of deportation are especially real and salient in the context of the Windrush scandal.<sup>7</sup> Many fear a potentially similar fate for those who fall through the cracks of the EUSS system, demonstrating its weakness both as a form of quasi-citizenship and any kind of compensation for losing rights from EU citizenship.

Not only is a EUSS a weaker and more insecure form of quasi-citizenship than EU citizenship, but it is a status with less external regulation and less legitimacy for those holding the status. In preliminary interviews I conducted in Spring 2021 with EU citizens residing in the UK, it was evident that EUSS is precisely a transitional status between migrant and citizen, even though it is a status for those who held citizenship rights to reside in the UK before Brexit. Acquisition of citizenship by EU citizens in states they were residents of has always remained a rare practice. Whereas for those with EUSS and able to afford UK citizenship,<sup>8</sup> and even those not yet able to afford UK citizenship, the lack of trust in EUSS projects UK citizenship not only as a desire but a necessity to remain living, working, and even retiring in the UK with any kind of security. But not every EU citizen in the UK is able, regardless of cost, to hold dual citizenship without the threat of revocation by their country of origin, making them choose between holding an insecure form of quasi-citizenship like EUSS or renouncing their original citizenship to naturalize in the UK.<sup>9</sup>

Ultimately, EUSS is a minimal denizenship policy, from the perspective of what the UK government *could* have offered. It places the burden on individuals to meet criteria and inform themselves of the need to apply. As an intermediary status, it will either leave individuals unable to access EUSS and without rights or – for those able to afford citizenship – a constituency of citizenship applicants, and source of revenue, that the UK government never had before Brexit.

Finally, it is worth remembering the historical context of rights withdrawal in the UK attached to citizenship. Namely, the 1981 Nationality Act (and 1971 Immigration Act) withdrew rights of UK citizenship but retained rights of residency (for those already resident) for Commonwealth citizens and in many cases left them with no tangible evidence of such rights (hence the Windrush scandal). Well before the Windrush

scandal, Tyler (2010) argued that these changes amounted to a citizenship policy that was ‘designed to fail’ and fail a particular category of racialized (and conceived as undesirable) people in the UK, as a legacy of post-coloniality about which the UK remains in denial. Most EU citizens in the UK, except for EU citizens of colour (Benson and Lewis 2019) and Roma (Sardelić 2021), do not experience the same degree of racialization. Although many do experience some degree of racialization, in particular those from east and central Europe and from countries like Romania even more. Still, this category and large community in the UK is left with a weaker form of quasi-citizenship than they had before, and with no tangible evidence of such rights, suggesting the UK has set up a policy that – like UK nationality and immigration policy since the 1980s – is ‘designed to fail’.

### The partialization and parcelization of citizenship

This piece has not been concerned with what quasi-citizenship means for sovereignty, democracy, or the nation-state, but what transformations in these domains mean for the status and proliferation of quasi-citizenship in both the sub-types of ethnizenship and denizenship. With the UK’s policy of EUSS since Brexit, we see both the proliferation of denizenship as a solution but a weaker quasi-citizenship status than EU citizenship prior to the UK leaving the EU. Quasi-citizenship points to concomitant weakening and hardening of citizenship in two domains: first, as a partialized status that no longer offers the same degree of rights that it did prior. Second, as a parcelized status it differentiates across a spectrum between those with fuller citizenship rights and those with weaker and more precarious statuses (quasi-citizenship, non-citizenship).

To use Turner’s (2016) phrase, EU citizens in the UK are ‘all denizens now’. Some might argue that differentiated citizenship is a positive by attributing different rights to different groups (Young 1989). However, citizenship is also weakened by parcelization, differentiating between those who have access to rights via membership and those who do not, and further erodes the rights of those without citizenship status via a partialized status. While citizenship is becoming weaker, it also remains highly consequential for one’s experience of the state, international system, and inequality.

It is also worth disaggregating between the sub-types of quasi-citizenship – ethnizenship and denizenship – to understand what their proliferation means for both the weakening *and* hardening of citizenship. The proliferation of both sub-types reinforces the weakening of citizenship as a status (*partialization*) and the parcelling up of citizenship (*parcelization*) across a spectrum of different statuses (citizenship, quasi-citizenship, non-citizenship). But, the proliferation of each sub-type has different implications. The proliferation of denizenship indicates the post-territorialization of rights, attached to territory, not membership. But are these rights really sufficient? While quasi-citizenship is superior to non-citizenship, at best, denizenship is a partialized intermediary status and bundle of rights on the way to citizenship and enfranchisement in states where citizenship is affordable and accessible (and holding dual citizenship is legal). At worst, denizenship is a parcelized intermediary status that is unlikely to be temporary and, thus, normalizes such a category of people in a permanent state of being ‘second class’ citizens who lack membership and participation rights. Meanwhile, the proliferation of ethnizenship indicates different priorities, of ethnicity over territory and residency, and extension of rights for those the state feels both guilty about and incentivized to attract. Ethnizens

do not need to live in the state that grants them such rights whereas denizens already do. For the category of denizens, the partialization, parcelization, and hardening of citizenship have more limiting consequences; the proliferation of such policies is likely leading to even more being held in such a holding pattern of an intermediary status.

Scholars of citizenship have long understood that their object of analysis is both a fundamental part of democratic inclusion and a tool of exclusion. Today, we are left with more forms of citizenship to analyse. This proliferation points not only to the weakening of citizenship but, just as borders are becoming hardened, so is citizenship. In the case of EU citizens and other third-country nationals in the UK, where many can neither afford the exorbitant costs nor meet the high criteria of membership, the issue is not only the hardening of borders of citizenship, but the expanding community that experiences such hardening.

In sum, it is time for scholars to realise that citizenship is not on the decline. Not only are the borders of citizenship hardening but citizenship is an increasingly marketized status: sold to those who can afford it and restricted from those who cannot, in turn contributing to the unequalising potential of citizenship (Džankić 2019). What is declining is, rather, the rights of those excluded from citizenship. States like the UK no longer shy away from making its citizens stateless; instead states like the UK are reneging on international obligations to offer safe and legal routes to asylum. In other words, we must engage how to study simultaneously the proliferation, weakening and hardening of citizenship.

## Notes

1. Between 1997 and 2020, a total of 93 articles were published in Citizenship Studies covering quasi-citizenship, denizenship and/or ethnizenship. But most articles covered denizenship specifically (78), with fewer articles covering quasi-citizenship (22) and ethnizenship (6).
2. Although, as of 31 August 2021, 6,159,800 EU citizens have applied for EUSS. This figure is likely not even the entirety of EU citizens in the UK eligible and needing to apply.
3. For example, the UK government denationalized Shamima Begum, a UK citizen who left the UK aged 15 to join ISIS, after she requested to be allowed to return to the UK to enable her to give birth safely (the child later died). She is the first British woman to be stripped of UK citizenship and was not allowed to return to UK to contest her denationalization on security grounds. On use of denationalization for terror offences as part of states' 'war on terror', see Kapoor and Narkowicz (2019).
4. Although EUSS is far cheaper than ILR. Originally, applying for EUSS cost £60 but was later made free. Applying for ILR in 2021 cost £2,389 plus biometric fees.
5. For example, those with any prison sentence in the last 5 years or a sentence of 12 months at any time for a single offence can be deported and not granted EUSS. Although convictions prior to the end of the transition period are also governed by the EU Citizens' Directive which specifies that the social relations/integration of the person must be weighed against deportation on grounds of criminal offences.
6. This vulnerable category is multi-faceted and complex, including homeless people, those suffering from dementia (and the elderly more generally), vulnerable and precarious workers, those outside of the labour market due to disability or care responsibilities. But this vulnerable category also includes those who lack IT access or literacy and more generally, access to knowledge or evidence to apply (see O'Brien 2021, 433).

7. The Windrush scandal exposed in 2017–18 how thousands who came to the UK legally as children mostly from the Caribbean Commonwealth states (i.e. from states with recent colonial ties to the UK), and whose records were destroyed by the UK government, have lost not only rights to free healthcare, employment and residence but face deportation, regardless of criminal convictions or not. Many are still fighting for their rights to reside in and be treated as citizens in the UK.
8. The cost of UK citizenship has risen dramatically in recent years (and including in the wake of Brexit) to £1,330 for an adult and £1,000, not accounting for the costs of the Life in the UK test, language test, biometric fees, citizenship ceremony fees and potential legal fees. UK citizenship is also significantly more expensive than EU member-states, especially for children.
9. Seven EU member-states restrict holding dual citizenship: Austria, Estonia, Germany (for non-EU citizens), Lithuania, Netherlands, Slovakia and Spain.

## Disclosure statement

No potential conflict of interest was reported by the author(s).

## Notes on contributor

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