

A quarterly update on statelessness in Europe



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Interview with Tineke Strik, Member of the European Parliament

ENS was pleased to catch up with Tineke Strik MEP on the eve of the Europe Parliament elections to ask for her reflections on progress in addressing statelessness over the last five years, and what lies ahead, including with regard to implementation of the EU Migration & Asylum Pact.



"Stateless people are often the first victim of more restrictive asylum and migration legislation."

- Tineke Strik, Member of the European Parliament

You have been a longstanding champion of the need to fully protect the rights of stateless people – what motivates your interest in this issue and why is it so important to address it?

Stateless people are often the first victim of more restrictive asylum and migration legislation. Often the consequences for migrants without a nationality are not thought through, which also leads to gaps and blind spots for practitioners. This deepens the limbo situation that stateless people are in, leading to more insecurity, less rights and less feeling of belonging.

As shadow rapporteur for the Screening Regulation, I submitted and supported several amendments regarding statelessness. These include (i) the addition of statelessness (as opposed to simply the question of nationality) in the screening form; (ii) the addition of a definition of 'stateless person' in accordance with Article 1 of the Convention relating to the Status of Stateless Persons; and (iii) the inclusion of statelessness or a risk of statelessness in the vulnerability assessment. All three of these amendments made it into the final text, albeit the latter unfortunately without the inclusion of persons *at risk* of

This motivates me to keep a keen eye on the consequences for stateless people while discussing or negotiating legislation and policies.

As you know, ENS lobbied hard for and was pleased to see the inclusion of several amendments aimed at improving the identification and protection of stateless people in the final Migration & Asylum Pact instruments adopted. What are these provisions, and how can we collectively ensure that they are properly implemented on the ground?

It was indeed welcome to receive valuable technical input from ENS and others during negotiations given that statelessness was not addressed at all in the initial Pact proposal. While certainly not perfect or complete, the final provisions adopted provide an important platform from which to seek to improve the identification and protection of stateless persons in asylum systems across Europe.

becoming stateless. I equally supported the amendments proposed by other groups regarding statelessness during the negotiations.

I also welcome the inclusion of statelessness-related provisions in other Pact files, such as recital 24 on statelessness in the Asylum Procedure Regulation (APR) and corresponding recital 49 in the Asylum and Migration Management Regulation (though the wording could have been stronger in my view). The inclusion of the obligation for authorities to clearly register it when an individual claims not to have a nationality during the registration of the asylum application in article 27(2) of the APR is also an improvement in my view. All these provisions now need to be fully implemented on the ground over the coming years.

[\[Continue reading...\]](#)

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Spotlight

#StatelessJourneys – Recent progress and what’s next for work to protect the rights of stateless refugees in Europe?



The end of May marked the conclusion of our [#StatelessJourneys campaign](#), and a significant milestone in advocacy for the rights of stateless refugees in Europe. Over the past four years, the campaign – co-designed with stateless changemakers - has been instrumental in bringing statelessness to the forefront of migration and asylum policy debates, leading to important reforms in EU and domestic laws.

Among other achievements, the campaign has successfully influenced the EU's new Pact on Migration and Asylum, introducing binding provisions that clarify the legal definition of a stateless person and require Member States to identify indications of statelessness. Over 2000 professionals in the refugee and migration sector in various countries around Europe have been trained, enhancing their ability to address statelessness issues effectively. Stateless refugees have been actively involved in co-developing solutions, with their stories and experiences influencing decision-makers.

At our [campaign wrap-up webinar](#) at the end of May, we featured discussions with country and regional experts and stateless individuals, highlighting the progress made and the challenges ahead. To coincide with this, we published a new briefing on implementation of the Pact, stressing the importance going forwards of monitoring and ensuring that stateless people's rights are respected in EU asylum systems through tools and training development.

Looking ahead, we will continue to advocate for the protection of stateless refugees, focusing on the implementation of the Pact's provisions in line with the Commission's implementation plan, which acknowledges the important new provisions on statelessness. EU Member States now have two years to prepare for entry into force of the new provisions, so it will be vital for frontline practitioners to be able to access the necessary tools and resources that we have begun to develop under the #StatelessJourneys initiative, but for which we and partners require resourcing, like our new identification toolkits, which will be crucial for the next steps. It will also be important to continue our advocacy for dedicated Statelessness Determination Procedures to ensure access to protection for stateless refugees and migrants once their statelessness is identified.

The #StatelessJourneys campaign has laid the foundations for future efforts to protect the rights of stateless refugees. As the campaign concludes, we remain committed to building on this momentum, ensuring that the successes achieved translate into tangible improvements for stateless people across Europe. The collective efforts of ENS members and partners have paved the way for greater respect for the rights of stateless refugees and migrants in Europe. The end of the campaign is not the end of the journey; it is a new beginning for continued advocacy and action to uphold those rights.

Watch the webinar

Briefing on Statelessness and the EU Pact on Migration and Asylum



ENS BRIEFING

STATELESSNESS AND THE EU PACT ON MIGRATION AND ASYLUM: ANALYSIS AND RECOMMENDATIONS FOR IMPLEMENTATION

MAY 2024

In May, we published [a briefing on implementation of statelessness provisions in the new EU Migration & Asylum Pact](#).

After nearly four years of debate and negotiations, a total of 10 legislative acts were adopted under [the Pact](#) in April, which 'reform the entire European framework for asylum and migration management'. Member States will now have two years to put this into practice following publication of the European Commission's common implementation plan

earlier this month.

Whilst the Pact undoubtedly raises significant concerns about the EU's approach to migration and asylum more broadly, it contains welcome provisions that offer an important foothold to help improve the identification and protection of stateless refugees and migrants in EU asylum systems.

Statelessness was invisible in the original Pact proposals. In response to this, we published [detailed analysis and recommendations](#) to protect the rights of stateless refugees and migrants. We have engaged extensively with lawmakers throughout the negotiations to address this blind spot on statelessness. It is therefore welcome that the adopted instruments for the first time in EU asylum acquis clarify the international legal definition of a stateless person, require Member States to identify indications of statelessness, respect their international obligations towards stateless people, strengthen their protection and access to fundamental rights, and register where an asylum applicant claims to be stateless pending a determination.

These new provisions now need to be implemented so that statelessness is effectively identified, and stateless people's rights respected in EU asylum systems. This will require us to work with our members and partners to ensure implementation and continue to develop and roll out tools to support this.

Pact implementation will need to be accompanied by ongoing advocacy to ensure that stateless people can access statelessness determination procedures that protect the rights owed to them under international law. Now is a critical moment to capitalise on recent progress and push for the wider reform needed. This will require significant new resourcing, as well as continued engagement by our members and partners.

Latest updates

Our members meet with the UN Committee on the Rights of the Child



On 18 May 2024, ENS members Aleksandra Semerlak and Armando Augello Cupi spoke at an [expert meeting with the Committee on the Rights of the Child \(CRC\)](#) in Geneva under the theme "Access to Justice and Effective Remedies" in relation to children's identity rights. The meeting was co-chaired by [Child Identity Protection](#) and the [Institute on Statelessness and Inclusion](#), and [attended by several](#) members of CRC, civil society organisations, UN agencies, and people with lived experience. The meeting discussed children's right to a nationality, birth registration, and identity preservation, and also aimed to inform the CRC's consultative process in developing General Comment 27 by sharing best practices and recommendations. Our members brought the issue of childhood statelessness to the forefront, especially in relation to [birth registration](#), [children in](#)

ENS at UNHCR's Global NGO Consultations



From 11-13 June our Director Chris Nash was in Geneva for UNHCR's Global NGO Consultations to push for increased collaboration and greater prioritisation and programming to address statelessness. A highlight was a side event we organised with Nationality for All and UNHCR's Statelessness Section to underscore the strong linkages between statelessness and work needed to ensure gender equality and inclusion - the key themes of the Consultations. It was also an opportunity to trail the upcoming launch of the Global Alliance to End Statelessness, a new multistakeholder alliance with real potential to unlock solutions and get governments/other decision-makers to introduce much-needed reforms. We also organised a high-level meeting between UNHCR Assistant High Commissioner for Refugees Ruven Menikdiwela and Division of International Protection Director Elizabeth Tan with a 15-strong

[migration](#), and the prevention of statelessness in Europe.

Addressing Statelessness in the UK's Evolving Migration & Asylum Landscape



In May, the Association of Charitable Foundations convened an event examining statelessness and its impact on the UK's refugee and migrant populations. ENS and [some of our UK NGO and community members](#) presented and discussed potential solutions to statelessness in the UK migration and asylum context. The event was well-attended by the donor community and stimulated dynamic discussion on topics such as coordinating advocacy efforts that prioritise the perspectives of affected communities, addressing statelessness amidst evolving UK migration and asylum realities, ensuring every child's right to a nationality and the mental health impacts of statelessness. Discussions also focused on how funders can support integrated approaches that bring together diverse stakeholders to address statelessness and empower affected communities. We are looking forward to following up on the conversations started at the event in coming months.

ENS trustee Jon Yuregir is fundraising to help end statelessness



Our trustee Jon Yuregir is embarking on a series of endurance events over 2024 to raise funds both to help ENS carry out its work and enable its Network of organisations to end the cycle of statelessness across Europe. His first successful challenge was running the Manchester Marathon in April. You can track his preparation for the remaining future challenges and [support his fundraiser here](#).

ENS attends event in Luxembourg on childhood statelessness

delegation working on statelessness in different regions globally, with both lived and learned experience of statelessness. You can read more in this [editorial piece here](#).

Second edition of the Statelessness Encyclopedia Asia Pacific (SEAP)



Nationality for All has launched the second edition of the Statelessness Encyclopaedia Asia Pacific (SEAP), which comprises a comprehensive mapping of statelessness in the Asia Pacific region. The [SEAP website](#) provides an interactive comparison of laws, populations, and causes of statelessness across 45 countries, and the [SEAP report](#) from March 2024 includes further details. The idea of a resource specific to Asia Pacific has been inspired by [ENS' Statelessness Index](#).

ENS marks International Romani Day



On 8 April, we joined our Romani members and partners in celebrating [International Romani Day](#), which aims both to celebrate Romani communities and raise awareness of the continued fight against antigypsyism. Our Head of Policy & Research, Nina Murray, addressed a [video message](#) to our Romani partners working on the ground in the Western Balkans to help end Roma statelessness in Europe. We have also recently updated our [Legal briefing: Statelessness and the prohibition on discrimination against Romani communities](#), which analyses the principle of non-discrimination and its impact on the prevention and reduction of statelessness among Romani communities in Europe, to support legal practitioners in litigating for change.

First meeting of the Council of Europe CDCJ-MIG initiative on childhood statelessness



The European Migration Network (EMN) Statelessness Platform and Council of Europe Committee on Legal Cooperation jointly held an event on childhood statelessness in Luxembourg on 6 June 2024, at which ENS Community Engagement Coordinator Sirazul Islam spoke, and Head of Policy & Research Nina Murray attended online. The multistakeholder meeting aimed to share good practices and challenges on child-friendly procedures around statelessness and nationality, and the special case of burden of proof. The meeting served as an opportunity for representatives from governments, EU institutions, inter-governmental organisations, academia, and civil society from across Europe to come together and discuss these critical issues. Several ENS members attended and participated in the meeting, including to present their work on the issue in the Netherlands (ASKV), Belgium (NANSEN), and Spain (Fundación Cepaim).

StateFree Community Lab Weekend in Berlin on April 20th & 21st



In April, our Community Engagement Coordinator, Sirazul Islam, attended a two-day workshop at the Statefree Community Lab in Berlin. This event united voices from stateless communities to collaboratively brainstorm and design a campaign to highlight the challenges faced by stateless people. The launch of the campaign will coincide with the 70th Anniversary of the 1954 Geneva Convention relating to the Status of Stateless Persons. The focus of the Community Lab was on highlighting the lived experiences of stateless individuals, ultimately creating a campaign centred around powerful storytelling. Following the event Statefree has now [published its call](#) for '70 Stories' from participants with lived experiences of statelessness.

Updated Litigation Toolkit & upcoming training



At the end of May, the Council of Europe Committee on Legal Cooperation held the first meeting of its CDCJ-MIG working group initiative on childhood statelessness. ENS Head of Policy & Research and Legal Policy Coordinator attended the first (online) meeting at which a questionnaire for Member States on current law and practice was developed, and meeting participants heard from three individuals with lived experience of statelessness as children, who shared their expertise and recommendations for the work of the group. Over the next two years, the initiative will focus on issues relating to the statelessness of children in Europe and their access to nationality. The initiative aims to develop guidance on child-sensitive procedures in administrative and migration law matters for children who are stateless or at risk of being stateless, as well as guidance on the establishment of nationality for children. It is part of the Council of Europe's broader commitment to protecting the rights of people in vulnerable circumstances in the context of migration and asylum.

Seminar on Supporting Young Refugees in Transition to Adulthood



On June 20, our Community Engagement Coordinator, Sirazul Islam, participated in the seminar 'Supporting Confidence at 18'. This event focused on implementing the Council of Europe's Recommendations on Supporting Young Refugees and Migrants in Transition to Adulthood. The seminar gathered practitioners, young refugees and migrants, and representatives from youth and refugee-led organisations to share their experiences. The seminar aimed to foster cooperation and ensure youth perspectives are included in migration and refugee-related policies. Key topics included the current challenges faced by young migrants, practical strategies for



We have updated our [Litigation Toolkit on Statelessness for Legal Practitioners](#), published with the AIRE Centre, to support our members and other legal practitioners litigating for change. The toolkit provides an overview of statelessness and the right to a nationality, a framework and guidance to conduct strategic litigation, and an overview of the key mechanisms and jurisprudence from regional international courts on statelessness. In July, ENS and The AIRE Centre will also host a training on strategic litigation to address statelessness, intended for ENS members and partners. The training will assist participants in conducting litigation with a wider impactful aim, navigating the European and international courts, and better harnessing international law arguments in their work. If you would like to participate in the training, [get in touch](#) with ENS' Legal Policy Coordinator.

Third-party intervention on **Ramadani v Serbia**



ENS and The AIRE Centre have submitted a third-party intervention in the case of [Ramadani v. Serbia](#), regarding a child of Romani origin born in Serbia. The Serbian authorities refused to enter the child's name into the birth register because her mother had no identity document in support of this request. We stressed that States must protect the right to immediate birth registration without discrimination, as it should not be dependent on the documentation status of the child or their parents. States must also prevent and address systemic discrimination, which limits Romani people's access to documentation and perpetuates cycles of intergenerational statelessness. See also our recently updated [Legal briefing: Statelessness and the prohibition on discrimination against Romani communities](#).

supporting their transition to adulthood, and advocacy priorities for enhancing their support. Sirazul contributed by providing recommendations on implementing the guidelines, with a strong emphasis on the inclusions of stateless youth. For more details on the seminar, please refer to the [Recommendations](#).

UNHCR-OSJI Roundtable on Strategic Litigation



Our Legal Policy Coordinator, Patricia Cabral, attended a Roundtable on Strategic Litigation to Address Statelessness organised by UNHCR and OSJI in Geneva, on 14 June. The roundtable brought together legal practitioners, civil society, academia, and people with lived experience from across the globe, to exchange on key legal issues and opportunities to address statelessness through litigation. It also discussed the draft guide on strategic litigation which UNHCR is currently finalising. ENS' resources were highlighted as positive contributions to the sector, including our [Statelessness Case Law Database](#) and the [Litigation Toolkit on Statelessness](#).

Joint advocacy on Albania for the Universal Periodic Review (UPR)



In April, we joined efforts with ENS members Tirana Legal Aid Society (TLAS) and Roma Active Albania to make a [joint submission to the Universal Periodic Review \(UPR\) on Albania](#). This submission highlights why statelessness remains an issue in Albania, focusing in particular on barriers to birth registration, discrimination against minoritised groups, and challenges for children born abroad to Albanian nationals in acquiring nationality. We urged reviewing States to make recommendations to Albania to improve its laws and practice on nationality and birth registration.

Case law updates

This section includes relevant European case law on statelessness and nationality from regional and domestic courts. For more updates and to browse 300 other cases visit our [Statelessness Case Law Database](#). You can also read and subscribe to our special [Litigation Bulletin](#) which is dedicated to providing updates relevant to legal practitioners working on nationality and statelessness.

CJEU: Landmark CJEU judgment on Palestinian refugees' access to protection

[CJEU – Case C-563/22, Zamestnik-predsedatel na Darzhavna agentsia za bezhantsite](#) (13 June 2024)

The Court of Justice of the European Union (CJEU) delivered its judgment in a case involving a stateless Palestinian child and her family, registered with UNRWA, who left the Gaza strip to seek protection Bulgaria. Their applications for international protection were rejected on the grounds that they had not proven that they had left the Gaza Strip for fear of persecution and that hostilities in the area did not rise to the level of armed conflict and indiscriminate violence. The CJEU held that UNRWA's protection or assistance must be considered to have ceased when (1) UNRWA finds itself unable, for whatever reason, to ensure dignified living conditions and (2) the applicant finds themselves in a state of serious insecurity if returned to that area, taking into account where applicable their vulnerability. The Court noted that both the living conditions in the Gaza Strip and UNRWA's ability to carry out its mission have suffered an unprecedented deterioration due to the aftermath of the events of 7 October 2023. Read the [full judgment](#) and a [news piece from Foundation for Access to Rights \(FAR\)](#), who are representing the family.

CJEU: EU Member States must not refuse to issue travel documents to nationals living in another Member State

[CJEU – Case C-491/21, Direcția pentru Evidența Persoanelor și Administrarea Bazelor de Date](#) (22 February 2024)

The CJEU ruled that EU Member States' refusal to issue an identity card to its nationals residing in another Member State, which may serve as a travel document, on the sole ground that they have established their domicile in that other Member State, violates EU law. Read the [full judgment](#) and the [article in Diario Constitucional.cl](#) (in Spanish).

UK: Palestinian families can apply for family reunion without biometric data

[UK – Upper Tribunal \(IAC\) Judicial Review JR-2024-LON-000082](#) (4 April 2024)

The UK Upper Tribunal found that the Home Office decisions which refused to decide on family reunion applications from Palestinian families in Gaza, due to the lack of biometric data, were a violation of their right to respect for private and family life under Article 8 ECHR. While biometric data is usually required, there is no Visa Application Centre in Gaza to collect biometric information. Read the [full judgment](#) and an [article in The Guardian](#).

Recent publications, reports & briefings

- [\(ENS\) Submissions on Albania to the Human Rights Council at the 47th Session of the Universal Periodic Review \(UPR\)](#) - The Tirana Legal Aid Society (TLAS), Roma Active Albania (RAA), and ENS make this joint submission to the Universal Periodic Review (UPR) on the right to a nationality, human rights challenges relating to statelessness, and discrimination against minoritised groups in Albania.
- [\(ENS\) Submission to inform the European Commission 2024 Enlargement Package](#) - Written submission on progress towards addressing statelessness in EU Enlargement countries to inform the European Commission's (DG NEAR) 2024 Enlargement Package.
- [\(ENS\) Briefing on Statelessness and the EU Pact on Migration and Asylum: Analysis and Recommendations for Implementation](#) - New analysis and recommendations on implementation of new EU Migration & Asylum Pact provisions concerning the identification and protection of displaced stateless people.
- [\(ENS\) Submission to the ECtHR on *Ramadani v. Serbia*](#) - In partnership with The AIRE Centre, ENS has filed a third-party intervention before the European Court of Human Rights in the case of *Ramadani v. Serbia*, focusing on Contracting States'

obligations to protect the right to immediate birth registration without discrimination and the importance of nationality under the European Convention on Human Rights (ECHR).

- [\(ENS\) Legal briefing: Statelessness and the prohibition on discrimination against Romani communities](#) - This legal briefing analyses the principle of non-discrimination and its impact on the prevention and reduction of statelessness among Romani communities in Europe.
- [\(ENS\) Updated Litigation Toolkit on Statelessness for Legal Practitioners](#) - The toolkit aims to provide a framework and guidance for legal practitioners on conducting litigation on statelessness.
- [\(ISI\) ISI StatelessHub](#) - New resource on statelessness and the right to a nationality that includes overview information on different regions and nine different themes.
- [\(Nansen\) Palestinian origin or nationality? The case of minors born in Belgium, Nansen Note, no. 1 \(Nansen: The Belgian Refugee Council, April 2024\)](#) - This NANSEN Note presents and analyses the arguments and sources that may be useful to lawyers or legal services assisting parents of children of Palestinian origin in disputes relating to Article 10 of the CBN.

Blogs & news articles

- [\(ENS\) What's next for work to protect the rights of stateless refugees in Europe?](#) - As we wrap up our #StatelessJourneys campaign and Comic Relief-funded Routes to Safety for Stateless Refugees project, we reflect on what we have achieved over the last four years and what's next for our work with stateless refugees in Europe.
- [\(ENS\) Five key takeaways on statelessness from UNHCR's Global NGO Consultations](#) - Five key takeaways on statelessness from UNHCR's Global NGO Consultations, by ENS Director Chris Nash.
- [\(Saba Chitidze & Salome Jokhadze\) Unravelling Statelessness: Georgia's Addition to the Statelessness Index](#) - This blog post delves into the triumphs and trials of Georgia's battle against statelessness, examining its determination procedures, the rights of stateless persons, pathways to nationality, and the issue of childhood statelessness.
- [\(Melis Gebeş\) Making Landmark Strides: Türkiye's Addition to the Statelessness Index](#) - This blog aims to shed light on the critical issues at play and the imperative for concerted efforts towards a future where no individual is denied the fundamental right to a nationality.
- [\(Michel Rouleau-Dick\) The Finnish reform of the Nationality Act from a statelessness perspective: the good, the bad and the ugly](#) - This blog addresses the relevance of these changes to the issue of statelessness, and to stateless persons in Finland.
- [\(Emily Wilbourn\) Raising the Bar: Enhancing Statelessness-Focused Country of Origin Information](#) - This blog considers the importance of raising standards in relation to statelessness-focused COI and discusses several of the review's recommendations.
- [\(Belinda Dear\) Mutual recognition of parenthood across the EU could prevent statelessness](#) - This blog unpacks the current legal landscape regarding cross-border parenthood and lays out the changes proposed by the EU.
- [\(Greg Constantine\) Chapter 1: Once Upon A Time](#) – Chapter from the digital project 'Ek Khalee', featuring old photographs, family collections, documents, letters and illustrations contributed by Rohingya, combined with historical materials from a variety of public and private archives.
- [\(Greg Constantine\) Chapter 2: They Did Not Deny Us](#) – Chapter from the digital project 'Ek Khalee', delving into Arakan, the ancestral homeland of the Rohingya community
- [\(Ketrin Johecova\) In the Baltics, the stateless who can't vote in the EU election-](#) This article reveals the lack of access to voting rights for stateless individuals living in Estonia and Latvia.
- [\(Ter Garcia; et al.\) People of no nation: how being stateless means living without rights](#) – This article gives a concise overview of Statelessness across the EU.
- [\(OSCE-UNHCR\) Regional Conference on Access to Civil Documentation and Prevention of Statelessness in South-Eastern Europe, Skopje, North Macedonia, 17 October 2023: Final Outcome Document](#) – The Conference was co-organized by the United Nations High Commissioner for Refugees (UNHCR), the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE High Commissioner

on National Minorities (HCNM) and the OSCE Mission to Skopje (OMSk), under the auspices of the 2023 OSCE Chairpersonship of North Macedonia.

- [\(UNHCR\) Inclusion of Forcibly Displaced and Stateless Persons in National Statistics](#) – This blog discusses the importance of Statistical inclusion of forcibly displaced and stateless persons.
- [\(UNHCR\) #IBelong Campaign Update, October-December 2023](#) – News update on the UNHCR's progress on the #IBelong Campaign to End Statelessness.
- [\(Helge Brunborg\) Statelessness in Norway](#) – This article lays out the complexities of Statelessness in Norway.
- [\(Katie Robertson\) Centring the Lived Experience of Stateless People in Legal Education](#) - This blog discusses the development of a new Australian legal service for stateless people, the Stateless Legal Clinic.

Events & opportunities

- [Statelessness in Malaysia: Current Debates \(Refugees, Citizenship & Statelessness: Asia in Focus Series\)](#) – 2 July, 3:00 pm AEDT, Online Discussion
- [Peter McMullin Centre on Statelessness Doctoral Workshop: Call for Papers](#) – 3 & 4 March 2025, the University of Melbourne, Melbourne.



"Everyone has the right to a nationality"

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