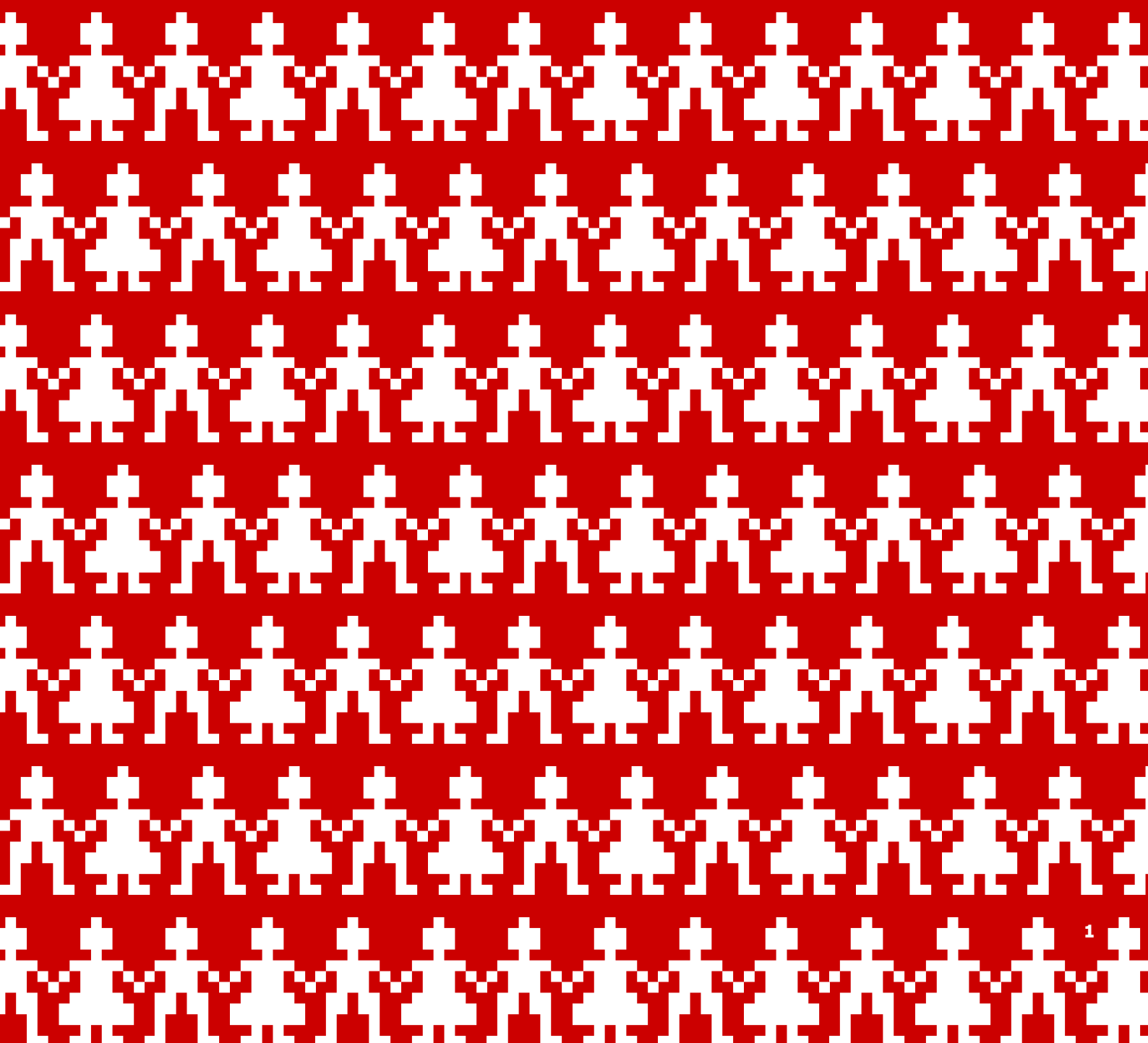


ENDING CHILD STATELESSNESS IN MALTA

A Policy White Paper on the Identification, Protection and Resolution of Child Statelessness



MOViMENT
GRAFFITTI

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EXECUTIVE SUMMARY

Statelessness exists in Malta, yet it remains largely invisible in law, policy and public discourse. Despite being a party to core international instruments on statelessness and children's rights, Malta has not established effective procedures to identify stateless persons or mechanisms to resolve their statelessness. As a result, children in Malta are growing up without a nationality, in conditions of legal uncertainty and without a realistic pathway to full inclusion in the only society they have ever known.



The limited evidence available from civil society organisations, social service providers and affected communities suggests that there are hundreds of stateless persons residing in Malta, the majority of whom are children. Reliable official statistics on stateless persons in Malta do not exist. The 2021 census recorded 171 stateless people in Malta, likely a gross underestimate, and the International Protection Agency reported one person of 'unknown nationality' in 2023 and no such persons in 2024. Without a functioning structure for identifying statelessness it is impossible to know how many stateless children actually live amongst us.

Statelessness exists in Malta, yet it remains largely invisible in law, policy and public discourse. Despite being a party to core international instruments on statelessness and children's rights, Malta has not established effective procedures to identify stateless persons or mechanisms to resolve their statelessness. As a result, children in Malta are growing up without a nationality, in conditions of legal uncertainty and without a realistic pathway to full inclusion in the only society they have ever known.

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Statelessness in Malta is not merely a legal anomaly, it is a lived condition marked by insecurity, intergenerational exclusion and long-term marginalisation. Stateless children face obstacles in accessing education, healthcare, stable residence and other essential services, and grow up in a state of permanent uncertainty regarding their future.

This white paper argues that statelessness in Malta persists not because it is unavoidable, but because the institutional and legal structures required to identify, prevent and resolve statelessness do not exist. Malta has no statelessness determination procedure, no protected status for stateless persons and no coherent or accessible pathway to citizenship for stateless children. These structural deficiencies place Malta in tension with its international obligations and undermine the best interests of the child.

Herein, we, the underlying signatories, propose a set of targeted, implementable policy reforms, including the establishment of a dedicated authority within the Malta International Protection Agency (IPA) on statelessness, the introduction of a statelessness determination procedure, and reforms to citizenship and naturalisation law. Collectively, these measures would align Malta's legal framework with international standards, strengthen compliance with child rights obligations, and contribute to the prevention and reduction of child statelessness.

1. BACKGROUND: STATELESSNESS IN MALTA

In February 2025, migrants, their families and the broader community gathered in Valletta under the banner *Stabilità Mhux Incertezza* (Stability Not Uncertainty). Their message was clear: Malta is their home. Their children speak Maltese, attend Maltese schools, and have grown up entirely within Maltese society. Yet, despite their deep social ties, many remain excluded from the legal security and rights that citizenship provides.



Statelessness in Malta is not explicitly created by law. Rather, it is perpetuated through legal and administrative gaps. Malta does not practice unrestricted *jus soli* ('right of soil' or birthright citizenship), meaning a child born in Malta to two foreign parents is not granted Maltese citizenship. While that child may theoretically be able to acquire citizenship from their parents under *jus sanguinis* ('right of blood' or inherited citizenship), this is can be impossible in practice due to war, persecution, gender-discriminatory national laws, lack of documentation, or due to risks associated with engaging with consular authorities during asylum procedures.

Statelessness is also an inherited condition. Children born to stateless or undocumented parents are at significant risk of remaining stateless into adulthood, creating a cycle of exclusion that deepens over generations. As noted during parliamentary debate, a stateless person may:

“exist, but not live,” because “stateless people are denied a legal identity, access to education, housing, healthcare, job opportunities and even a death certificate so that they can be buried. Statelessness is inherited from one generation to another, so a stateless person ends up existing but not living. There are children who were born in Malta, went to school in Malta, speak Maltese, lived all their life in Malta, are good in sports but cannot represent Malta as they have no citizenship...”

This reality illustrates the fact that, in the absence of targeted legal safeguards, statelessness in Malta is not an isolated phenomenon but a structurally reproduced condition affecting children with strong and enduring ties to our country.

2. WHAT IS STATELESSNESS?

A clear distinction must be drawn between undocumented persons and stateless persons. Undocumented persons are individuals without legal status or valid authorisation to reside, work or stay in a particular state. Often, they become undocumented through irregular entry, visa overstay, rejected asylum status or failure to maintain legal status through work.



On the other hand, a person is stateless if they are not recognised as a national by any state. Under international law, a stateless person is defined as someone 'not considered a national by any State under the operation of its law.'¹ Statelessness severs the legal bond between an individual and any country, resulting in the denial of basic civil, political, economic and social rights.

Children are particularly vulnerable to statelessness. In Malta, children may be or become stateless when they:

- I. are born to rejected asylum seekers or undocumented parents who cannot secure nationality for their child from their country of origin;

- II. arrive in Malta as unaccompanied minors without documentation and without access to nationality elsewhere;
- III. are born to single mothers from countries where nationality is transmitted exclusively through the father, as is the case in Libya and Somalia for example;
- IV. are born on the migratory route, including at sea, without subsequent registration or documentation;
- V. are foundlings or infants rescued in Malta's search and rescue zone;
- VI. belong to a community that has been rendered effectively stateless. For example, individuals from the Palestinian, Kurd and Rohingya communities in Malta are particularly at risk of statelessness.

Even where nationality may theoretically be available elsewhere, many children remain at risk of statelessness, with no meaningful connection to the country whose nationality they are presumed to hold. Malta is the only home they know, yet the law treats them as permanent outsiders.

3. LEGAL FRAMEWORKS ADDRESSING STATELESSNESS AND THEIR LIMITATIONS

3.1 INTERNATIONAL AND EUROPEAN LAW

Malta is a party to a range of international and European legal instruments that establish clear obligations in relation to the prevention and reduction of statelessness and the protection of children's rights. These include the Universal Declaration of Human Rights, the 1954 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, the Convention on the Rights of the Child and the EU Strategy on the Rights of the Child.

Article 15 of the Universal Declaration of Human Rights affirms that everyone has the right to a nationality and that no one shall be arbitrarily deprived of it. The 1954 Convention establishes minimum standards of treatment for stateless persons, while the 1961 Convention focuses on preventing and reducing statelessness, particularly among children.

Malta, however, maintains a significant reservation to Article 32 of the 1954 Convention, which concerns the facilitated naturalisation of stateless persons. Article 32 requires States to "as far as possible facilitate the assimilation and naturalization of stateless persons," and to "make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings." Malta's reservation effectively limits its obligation to provide facilitated access to nationality for stateless persons, thereby weakening one of the Convention's core mechanisms for resolving statelessness. Furthermore, although its accession to the 1954 Convention requires Malta to establish a procedure to determine statelessness, no such procedure currently exists in domestic law or practice.

The EU Strategy on the Rights of the Child explicitly calls on Member States to identify stateless children, establish statelessness determination procedures, ensure immediate and accessible birth registration, and grant nationality to children who would otherwise be stateless. Furthermore, the UN Committee on the Rights of the Child asserts in unequivocal terms that every child has an inherent right to a nationality and states are obliged to prevent, identify and resolve statelessness. Malta's failure to implement these measures places it in non-compliance with key international and European standards governing children's rights and the reduction of statelessness.

3.2 DOMESTIC LAW

Citizenship in Malta is governed by the Maltese Citizenship Act (Chapter 188). The Act does not provide automatic citizenship for children born stateless on Maltese territory. Article 2 of the Maltese Citizenship Act establishes a narrow definition of stateless as 'destitute of any nationality'. Indeed, citizenship through naturalisation in Malta is subject to stringent conditions and broad ministerial discretion.



Article 10(1) of the Act provides that citizenship may be granted to a person who "has resided in Malta for an aggregate period of at least four years during the six years immediately preceding the date of application," is of good character, and has "an adequate knowledge of the Maltese or English language." However, Article 10(6) further asserts that a person shall be entitled to apply "to be granted a certificate of naturalisation as a citizen of Malta if he satisfies the Minister", leaving the granting of citizenship entirely up to the minister's discretion in these cases. Indeed, Article 10(9) establishes that the granting of citizenship is at the "absolute discretion" of the Minister responsible and decisions are not subject to appeal.

While the Act contains a provision allowing a person born stateless in Malta to apply for citizenship upon reaching the age of eighteen, this mechanism has rarely, if ever, been meaningfully operationalised. Malta has no formal procedure for identifying statelessness, meaning that children are essentially never officially recognised as stateless at birth.

4. THE ABSENCE OF RELIABLE DATA AND INSTITUTIONAL CAPACITY

Reliable data on statelessness in Malta is largely absent. The 2021 national census recorded 171 stateless persons, nearly half of whom were children, yet this figure very likely reflects a significant undercount. Without formal identification procedures, statelessness remains statistically invisible.



There is no mandatory or systematic training on statelessness for public officials, members of the judiciary, legal practitioners, or frontline service providers. Statelessness is not included as a core subject in legal education, and administrative authorities often lack the tools to recognise statelessness when it arises. This absence of institutional capacity perpetuates misidentification, prolonged detention, and legal limbo.

5. THE IMPACT ON STATELESS CHILDREN

Statelessness is not merely a legal classification. For children, it is a condition that shapes daily life, limits future possibilities and undermines fundamental rights from an early age. The absence of a formal mechanism to identify statelessness and the lack of a legal status attached to it in Malta mean that stateless children are frequently rendered invisible within administrative systems. As a result, they are unable to enjoy rights that are routinely available to other children living in the country.

5.1 LEGAL INSECURITY AND LACK OF STATUS

Stateless children in Malta grow up in a state of prolonged legal uncertainty. Without recognition as nationals and without an alternative form of protection based on statelessness, they often lack stable residence rights and clear documentation. This legal invisibility affects not only the child but the entire family unit. Parents without status face restrictions on employment, banking, licensing, and social protection, creating conditions of chronic insecurity that directly affect children's wellbeing and development.

“When I first got here, I felt different, but then after going to school and participating in the festas, I integrated and learned the language. Now I feel I am Maltese,” says eighteen year old Alex². His parents are Ethiopian, but he was born in Sudan. When war broke out in Sudan, they had to flee to Libya before making the dangerous crossing to Malta. Alex has been in Malta for over fifteen years now and is fluent in Maltese. He is interested in sports, but being at risk of statelessness prevents him from representing the country in athletics and basketball. “I want to repay Malta for what it has done for me,” he shares, “but because of my status I cannot give it my all.”

Because statelessness is not formally identified, children may spend years in legal limbo, unable to regularise their situation despite having been born in or raised entirely in Malta. This absence of legal certainty makes long-term planning — education, training, or future employment — extremely difficult and exposes families to the constant risk of administrative sanctions, detention, or removal proceedings, even where no country of nationality exists.

5.2 BARRIERS TO EDUCATION

In principle, children in Malta should have access to primary and secondary education regardless of nationality. In practice, stateless and undocumented children often encounter administrative barriers linked to the absence of identity documents, residence permits, or recognised guardianship. These obstacles can delay enrolment, complicate transfers between schools, or restrict access to examinations, certifications, extracurricular activities and post-secondary opportunities that require formal documentation.

Unaccompanied minors and children without appointed legal guardians may face additional delays in accessing education while administrative arrangements are made. Even when enrolled, stateless children frequently experience social exclusion within the school environment. Their inability to participate fully in school trips, international programmes, scholarships, or activities requiring identification reinforces their legal separation from peers and deepens feelings of exclusion and marginalisation. Take for example two of Malta's stateless children, Stera and her younger brother Mohammed³, who were born and raised in Malta, speak Maltese fluently, and have become emblematic of the lived consequences of statelessness — unable to live a normal life in Malta or to regularise their status despite deep ties to the community.

5.3 HEALTHCARE AND ACCESS TO SOCIAL SERVICES

Access to healthcare for stateless children in Malta is inconsistent and largely dependent on the legal status of the child or their parents. While emergency care is generally available, access to comprehensive healthcare services and social benefits is often restricted because entitlement is tied to recognised legal residence or national insurance contributions.

Stateless families may be required to pay high out-of-pocket costs for routine or specialised medical care due to their exclusion from national schemes. The lack of access to social safety nets increases vulnerability to poverty and negatively affects children's health outcomes, particularly in cases involving chronic illness, disability, or mental health difficulties.

5.4 ECONOMIC EXCLUSION AND INTERGENERATIONAL IMPACT

The absence of a legal status based on statelessness limits access to lawful employment for adults in stateless households, increasing the risk of informal work, exploitation, and unstable income. Children grow up witnessing or directly experiencing the consequences of this exclusion, including financial insecurity, inadequate housing and restricted access

to opportunities available to other families.

Statelessness is often inherited. Without intervention, children born stateless are likely to remain stateless into adulthood, perpetuating cycles of exclusion across generations. The failure to resolve statelessness in childhood therefore has long-term social and economic consequences, not only for affected individuals but for Maltese society as a whole.

5.5 PSYCHOLOGICAL HARM, IDENTITY, AND BELONGING

Beyond material deprivation, statelessness has profound psychological effects on children. Growing up without legal recognition in the only country they know undermines a child's sense of identity and belonging. Many stateless children in Malta speak the Maltese language fluently, attend local schools and participate in community life, yet are legally classified as outsiders.

This dissonance contributes to anxiety, chronic stress and feelings of exclusion. Children and their families may live for years with uncertainty about their future, including fears of detention or removal, despite the absence of any country willing or able to recognise them as nationals. Indeed, stateless persons are especially vulnerable to arbitrary detention, in part because the authorities do not confirm an individual's country of origin until after they have been detained. Although stateless children are less likely to be arbitrarily detained because of their age, the likely detention of their adult family members poses a significant point of anxiety. Beyond this, the cumulative psychological impact of prolonged legal limbo can affect educational attainment, social integration, and overall mental health.

6. CASE STUDY: A POSSIBLE STATELESS CHILD IN MALTA

Michael⁴ was born in Malta nineteen years ago. In his youth he attended both public and church schools. He served as an abbati, attended Mużew and has played with a local football club since he was four years old. “I feel Maltese and have always had friends from the Maltese community, so I am completely immersed in Maltese culture in every aspect,” he asserts, “from local festas to politics.” His parents are originally from Ethiopia, but even with them, he speaks Maltese. Indeed, he feels and is Maltese in every meaningful way. “Even after I realised that I do not have the proper papers I explicitly say that I am Maltese,” Michael asserts.

Before turning sixteen, he did not often think about his legal status, even though he had to go to Hal Far from time to time to renew his documents. Michael’s status started to concern him when he turned sixteen and finished his O levels.

“I then started to think about my status and the implications it could have on my life as I tried to open a bank account, apply for courses and eventually look for a job.”

Right now, Michael has Specific Residence Authorisation (SRA) status, which he inherited from his parents. This status gives him anticipatory stress, not knowing how people will treat him. “Whenever I go out and security asks me for an ID card, I get a bad feeling because I never know how I am going to be treated. The ID card [that I have] gives me a bit of a strange feeling because it stands out in comparison to the ID card of my Maltese peers.” Michael’s status also puts stress on his whole family with his parents taking most of the burden.

Securing Maltese citizenship is Michael’s primary priority in life and is now on his mind most of the time:

“I hope that when I get citizenship, everything will fall into place and my mind will be more peaceful and calm. Then I will be able to think more clearly and make proper plans for my future.”

If those in power, he continues, would only engage directly with stateless children and their parents and make an effort to resolve their legal limbo, it would **“have a great effect on our future.”**

With the assistance of his family, the broader community and NGOs, Michael applied for citizenship through Agenzija Komunità Malta, a

process that is governed by the Maltese Citizenship Act. To our knowledge, Michael is the first person to meet the requirements and successfully apply for citizenship under the Maltese Citizenship Act. His newly secured status, full Maltese citizenship, was granted at the exclusive direction of the Minister of Home Affairs.

In the absence of a functioning government program for identifying statelessness, we cannot know for certain whether Michael was technically stateless. Although he was born in Malta and has never set foot in another country, his nationality was deemed Ethiopian at birth. His parents claim to be unable to return to Ethiopia for fear of persecution and Michael is not a citizen of Ethiopia. Indeed, staff at Aġenzija Komunità were unclear how to properly denote Michael's nationality and no pre-existing nationality was claimed on his application documents. For all intents and purposes, Michael was effectively stateless, however in the absence of a Maltese statelessness identification program this was never determined conclusively.

Michael's story was disturbingly common, he being one amongst possibly hundreds of children in Malta that are effectively stateless. His story is also exceptional in that his unique condition and its precarities were recognized by the state and he has been granted Maltese citizenship. While Michael and his family celebrate his newly secured status and its implications, his story demands that the authorities establish a statelessness identification procedure and resolve genuine cases of child statelessness in our society. A formal mechanism must be established that absolves the Minister of Home Affairs of sole responsibility for adjudicating on the granting of citizenship and provides a pathway for those who are genuinely at risk of statelessness to have their status regularized.

7. BEST PRACTICES ADOPTED BY EUROPEAN STATES

Effective practices have been implemented across the European Union, including measures such as birth registration, documentation and various legal frameworks for addressing statelessness.



7.1 BIRTH REGISTRATION AND DOCUMENTATION

The UN Committee on the Rights of the Child and the Committee on the Protection of Migrant Workers have urged that all children have their births registered immediately and are issued with birth certificates, irrespective of their or their family members' documentation or residence status.

Key good practice measures identified across European states include:

- I. allowing birth registration even where parents lack documentation, including through sworn declarations (Belgium, Netherlands, Switzerland, Czechia).
- II. eliminating or reducing administrative fees to facilitate universal birth registration (Austria, Netherlands, Portugal).

III. automatic issuance of birth certificates upon registration without additional procedural requirements (Austria, France, Spain).

7.2 LEGAL PRACTICES AND STATE INVOLVEMENT

Several European States have developed legal frameworks that explicitly address statelessness through determination procedures and nationality safeguards aimed at preventing childhood statelessness. Some European states have established statelessness determination procedures in domestic law (e.g., Spain), providing a formal mechanism for identifying and protecting stateless persons. These frameworks are designed to ensure that every child can effectively realise their right to a nationality and to reduce the risk of statelessness from birth. Several countries have a legal framework in place to facilitate or grant nationality, with citizenship laws and safeguards in place to prevent statelessness

Implemented measures include:

- automatic or near-automatic acquisition of nationality for children born stateless on the territory (Belgium, Finland, Spain).
- access to nationality pathways based on habitual residence after a defined period (Latvia, Netherlands, United Kingdom).
- guaranteeing access to education and integration measures during statelessness determination procedures (Spain).
- facilitated nationality acquisition based on parental residence, duration of residence, or educational integration criteria (Portugal).
- safeguards granting nationality to children born during migration journeys who would otherwise be stateless (Spain).

8. POLICY PROPOSALS

8.1 ACCEDE TO THE 1961 CONVENTION ON THE REDUCTION OF STATELESSNESS

Malta shall accede to the 1961 Convention on the Reduction of Statelessness and adopt the necessary legislative measures to ensure that no child born on its territory is left stateless. This shall include safeguards for the acquisition of nationality at birth or as soon as possible thereafter and protections against loss or deprivation of nationality resulting in statelessness.

8.2 REMOVE RESERVATIONS TO THE 1954 CONVENTION

Malta shall withdraw its reservation to Article 32 of the 1954 Convention relating to the Status of Stateless Persons and take all necessary measures to facilitate the naturalisation of stateless persons. Such measures shall include the reduction of legal, administrative and financial barriers, and the establishment of clear and accessible procedures for the acquisition of nationality.

8.3 ESTABLISH A DEDICATED STATELESSNESS AUTHORITY OR UNIT

Malta should establish a dedicated authority or unit on statelessness under the auspices of the International Protection Agency (IPA), mandated by law to identify stateless persons, coordinate policy responses, and ensure compliance with international obligations. This body should operate independently, transparently, and in cooperation with civil society and international organisations, and should aim to determine and resolve a child's nationality or statelessness immediately after birth registration or as soon as possible.

The IPA is best-suited to establish a statelessness determining authority because it has been operational in the field for many years, the agency's staff is well versed in interview techniques and are familiar with UNHCR guidelines, and have a strong sense of conditions and legal frameworks in countries of origin. European best practices indicate the advantage of closely linking the asylum and statelessness determination procedures under the same umbrella institution. The Authority shall, as a priority function, cooperate with the National Statistics Office to develop reliable data collection mechanisms and conduct periodic assessments of statelessness in Malta.

8.4 INTRODUCE A STATELESSNESS DETERMINATION PROCEDURE (SDP)

Malta should introduce a formal Statelessness Determination Procedure that is accessible to both adults and children, applies a shared burden of proof, provides procedural safeguards and appeal rights, and suspends detention and removal during the procedure. All actions involved in determining whether a child is stateless must be undertaken with the best interest of the child as a primary consideration. The Statelessness Determination Procedure must be accessed through a formalised manner through a pre-determined entry point. In the likely case that an asylum seeker's first contact with Maltese authorities is not with the International Protection Agency, entities such as Identity Malta, the Police Force, Aġenzija APPOĠĠ, the International Protection Appeals Tribunal and the Immigration Appeals Board must be equipped to refer individuals to the IPA.



Procedural safeguards and guarantees applicable to the asylum procedure must be applied to the statelessness determination procedure, including but not limited to a shared burden of proof between the applicant and the Authority. The recognition of statelessness should result in a formal and recognised Statelessness status with corresponding rights and obligations.

8.5 CREATE A STATELESS PROTECTION STATUS

Recognised stateless persons should be granted a secure residence status, the right to work and study, access to healthcare and social services, and protection from arbitrary detention. People, including children, should never be detained on the basis of statelessness. Furthermore, children with undetermined nationality should enjoy their human rights on equal terms with children who are nationals.

8.6 PREVENT AND RESOLVE CHILD STATELESSNESS

Malta should ensure immediate birth registration for all children born on its territory, grant nationality automatically or as soon as possible to children who would otherwise be stateless, and apply the best interests of the child as a primary consideration in all decisions.

8.7 REFORM CITIZENSHIP AND NATURALISATION

Reforms should include facilitated naturalisation for stateless persons and children, appeal mechanisms for negative decisions, withdrawal of Malta's reservation to Article 32 of the 1954 Convention, ratification of the European Convention on Nationality, and a reduction in excessive ministerial discretion.

CONCLUSION

Statelessness in Malta is not an inevitable condition but the result of identifiable and remediable legal and institutional gaps. Its continued existence, particularly among children born and raised in Malta, constitutes a persistent failure to give effect to Malta's obligations under international and European law and to uphold the principle of the best interests of the child.

This white paper sets out a coherent and achievable framework for reform. The measures proposed herein — if implemented in full — would establish the legal certainty, institutional capacity, and procedural safeguards necessary to identify, prevent and resolve statelessness in Malta.

We, the undersigned signatories, therefore jointly call upon the Maltese State to act without delay to implement these reforms in full, and to ensure that no child in Malta is left without a nationality or a legal place in the society they call home.

**MOVIMENT
GRAFFITI**