

The Maltese Irregular Migration Scenario September 2020

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Reception

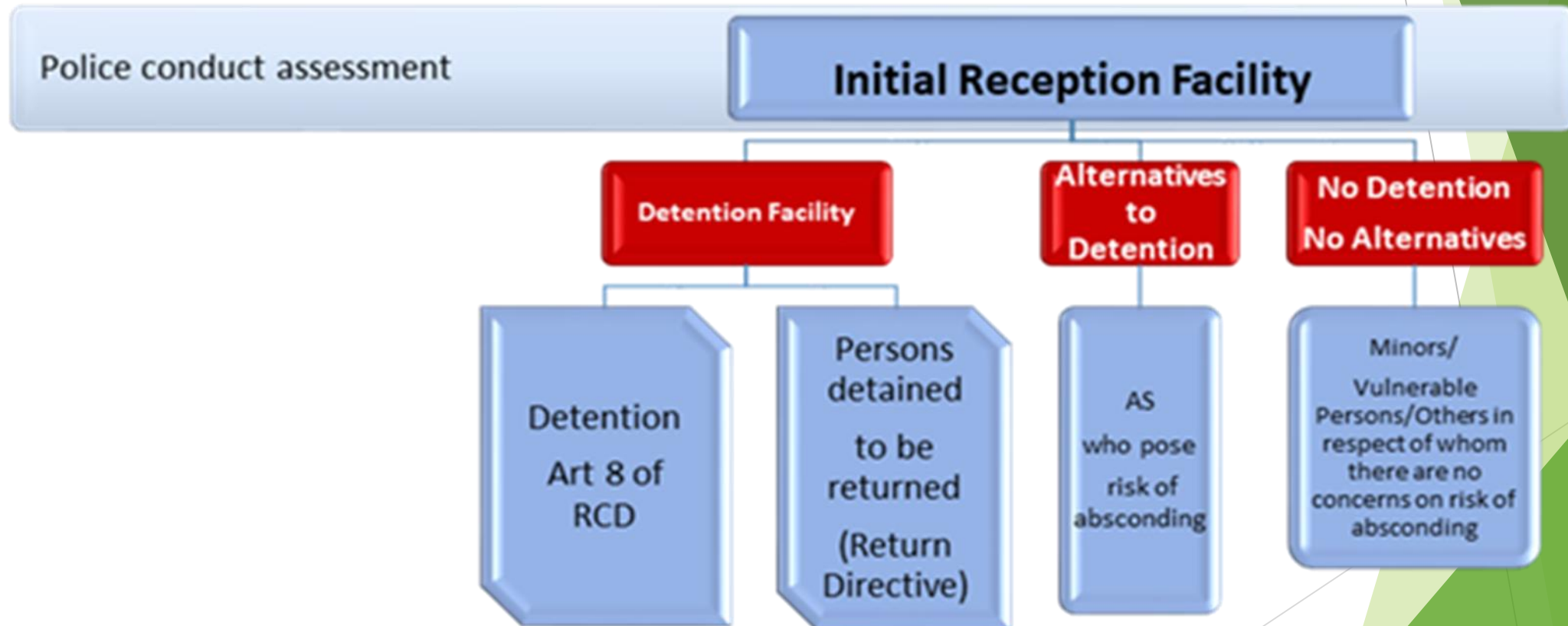
Initial Reception of Irregular Migrants in Malta (1)

- Newly arrived irregular migrants are initially accommodated at an **Initial Reception Centre (IRC)**.
- Malta's IRC, located at Marsa, is managed by the Agency for the Welfare of Asylum Seekers (AWAS). In the event that capacity at the Marsa IRC be exceeded, a section of the Detention Centre may temporarily be utilised as an IRC.
- Migrants are required to stay at the IRC until medical clearance is issued. During this time migrants are interviewed and fingerprinted by the Police. Moreover, migrants are requested to indicate whether they intend to apply for international protection.

Initial Reception of Irregular Migrants in Malta (2)

- The Principal Immigration Officer (Commissioner of Police) decides on **whether to detain** or to impose **alternatives to detention** on irregular migrants who apply for international protection (while they are staying at the IRC).
- Detention and Alternatives to Detention may only be imposed on persons who are not deemed vulnerable in terms of the Reception Conditions Regulations.
- Detention may also be imposed on irregular migrants who do not apply for international protection.

Police Assessment at Initial Reception Stage



Reception Conditions Regulations and the Detention of Asylum Seekers

(1)

- Detention Orders are issued in writing and the reasons for detention are given (e.g. to determine identity and nationality).
- Detention orders are reviewed within 7 days (extendable by a further 7 days) by the Immigration Appeals Board. The Board is an independent body enjoying the status of a Tribunal and free legal aid is available to the asylum seeker at this stage of the procedure.
- Asylum Seekers issued with a Detention Order are accommodated at the Detention Centre administered by the Detention Service.

Reception Conditions Regulations and the Detention of Asylum Seekers

(2)

- Asylum seekers whose detention is confirmed by the Immigration Appeals Board have their detention reviewed again by the Board after a period of two months and, if they are still in detention, every two months thereafter.
- No asylum seeker may be detained for more than 9 months.
- Release from detention may also be ordered at any point by the Principal Immigration Officer if it is deemed that the reasons for detention no longer subsist.
- All asylum seekers recognised as in need of international protection are released with immediate effect.

Return Regulations and Detention (1)

- The Principal Immigration Officer may also order the detention of irregular migrants (failed asylum seekers, non-applicants) and overstayers, with a view to returning them to their country of origin.
- Such detainees are accommodated at a Detention Centre operated by the Detention Service.
- Detention may be ordered and subsist provided that the removal procedure is in progress and executed with due diligence.
- The Principal Immigration Officer reviews detention orders after a period of 3 months.

Return Regulations and Detention (2)

- Reviews of detention are conducted by the Immigration Appeals Board on the 6th month and thereafter wherever necessary.
- However, a migrant is released from detention as soon as it is established that removal cannot be effected, e.g. for legal reasons.
- The Principal Immigration Officer has the option to extend a migrant's detention beyond 6 months, by a total of 12 months, if the migrant concerned does not cooperate or if there is a delay in obtaining travel documentation from the country of origin.
- However, release shall be immediate if there is no reasonable prospect of removal.

Open Centres

- Asylum Seekers not issued with a Detention Order or who have been released from Detention are provided with accommodation at an Open Centre operated by the Agency for the Welfare of Asylum Seekers.
- Asylum Seekers (and beneficiaries of international protection) are encouraged to leave Open Centres as soon as they are able to settle independently, after a period of 6 months (this time limit does not apply to vulnerable persons).

Asylum System

Asylum Determination

- Applications for international protection are heard and determined at first instance by the International Protection Agency. The Office may grant *Refugee status*, *Subsidiary Protection* and *Temporary Humanitarian Protection*, a national form of protection.
- Appeals are heard by the Refugee Appeals Tribunal. Moreover, applicants may lodge subsequent applications if they have new evidence to submit, which could not have been submitted earlier.

Rights of Migrants in the Asylum System

- Refugees are entitled, *inter alia*, to access to employment, social welfare, appropriate accommodation and State medical care.
- Beneficiaries of Subsidiary Protection and Temporary Humanitarian Protection (THP) are entitled to the same benefits; however, social welfare is limited to core benefits. Moreover, THP is renewed yearly rather than every 3 years.
- Asylum Seekers are entitled to access to employment after a period of 9 months.

Irregular Migration Data

Irregular Migrant Arrivals by Boat

- In 2002 Malta received over 1,600 irregular migrants. Another 520 irregular migrants reached Malta in 2003. Between 2004 and 2007 the number of yearly arrivals exceeded 1,500. A record number of arrivals was registered in 2008: 2,775.
- Arrivals continued over the course of the following years, although figures for 2010, 2015, 2016 and 2017 were comparatively low. Over 2,000 migrants reached Malta in 2013 and 1,445 in 2018.
- Arrivals figures soared in 2019: 3,405. This is the largest number of irregular migrant arrivals ever registered in Malta.
- As at 20th August, the number of arrivals for 2020 already stood at 2,162.

Migrants in Detention and in Open Centres

- Therefore, at present all reception facilities are subject to considerable pressures.
- COVID-19, moreover, imposed new challenges, particularly as Malta's largest Open Centre had to be placed under quarantine earlier this year.
- This, along with the other realities of the pandemic, compromised (as in the case of Italy) Malta's ability to disembark irregular migrants.

European and International Challenges and Approaches

Migration Policy and Processes in Malta, 19-20 November 2019

Intra-EU Relocation (1)

- Malta seeks assistance, particularly at the European level, with a view to addressing ongoing pressures.
- EU Member States such as France, Germany, Spain, Portugal, Ireland, Luxembourg, The Netherlands and Belgium, Finland and Romania, as well as EEA member Norway, assisted Malta by way of relocation of asylum seekers.

Intra-EU Relocation (2)

- While these initiatives have relieved pressure on Malta, we still contend that the EU needs a permanent relocation system to address situations of disproportionate asylum pressure.
- A permanent relocation mechanism should be part and parcel of the reformed Dublin Regulation.

NGO Vessels

- The interception of migrant vessels by NGO assets poses new challenges for central Mediterranean states. In Malta's case such vessels often demand the disembarkation of persons picked up outside Malta's Search and Rescue Region.
- This results in increased pressure for Malta's reception facilities, which may result in deterioration of reception conditions.
- Malta's reception capacity is not unlimited. Even though efforts have been made to bolster the local reception capacity, this is not sustainable on an ongoing basis. Malta's centres already house roughly the equivalent of 1% of the population.
- It is clear that a solution to this challenge requires the identification of alternative safe places of disembarkation and work undertaken in partnership with the Libyan authorities to curb migrant smuggling networks.

Conclusion

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Concluding Remarks

- Malta continues to fulfil its obligations in this sector even where circumstances prove increasingly difficult.
- Ad hoc relocations contribute to the easing Malta's pressures.
- However, a permanent EU solidarity mechanism remains a requirement.
- For all that, the current rate of arrivals is unsustainable in the medium-long term. Europe needs to work with Libya to curb migrant smuggling networks and assist our southern neighbour with the significant challenges it faces.