

MALTA ASYLUM TRENDS

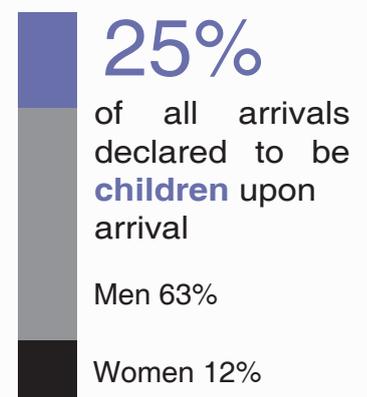
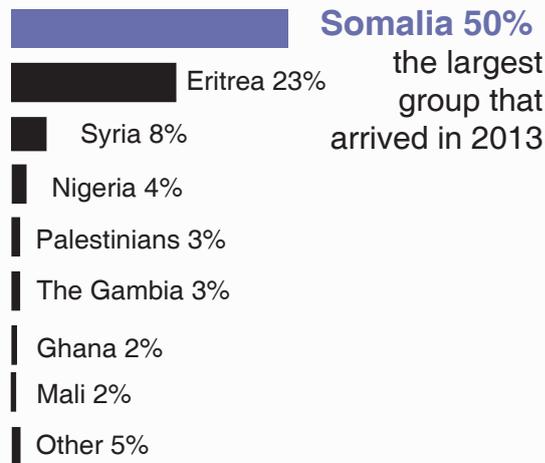
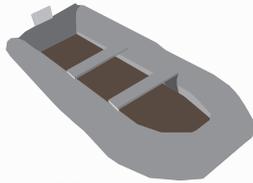
2013

Sea arrivals

2,008

arrived from **Libya** on 24 boats.

1,890 individuals arrived by boat in 2012

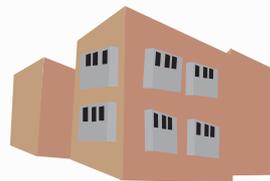


Data as end 2013.

Reception

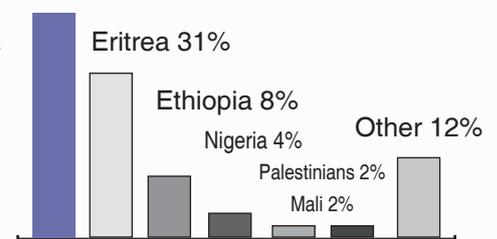
Around 500

individuals were **detained** as end 2013. Over 1,900 individuals passed through detention in 2013.



1,499 asylum seekers, beneficiaries of protection and migrants live in **open centres**.

Somalia 42%

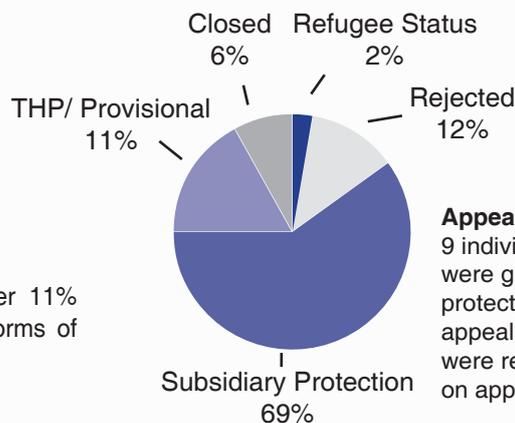


Data as end 2013.

Protection

71%

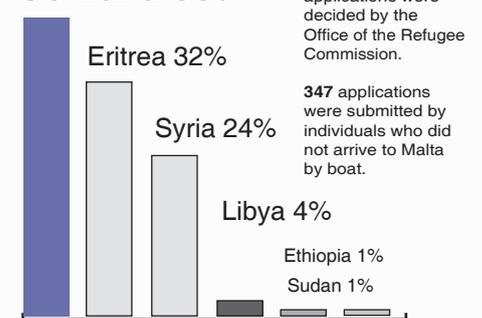
of all asylum seekers were granted international **protection** in Malta. A further 11% were granted complementary forms of protection.



Appeals: 9 individuals were granted protection on appeal. 236 were rejected on appeal.

International Protection by nationality:

Somalia 38%



Over 2,200 asylum applications were decided by the Office of the Refugee Commission.

347 applications were submitted by individuals who did not arrive to Malta by boat.

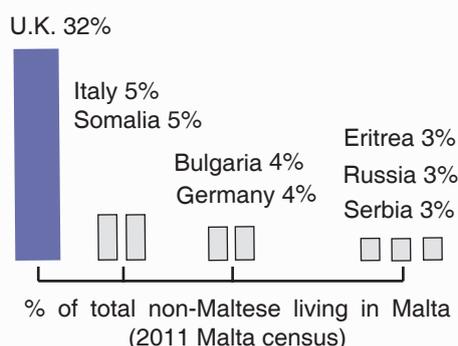
Data as end 2013.

Solutions

UNHCR estimates that around **30%** of the 18,625 of the individuals who arrived by boat from Libya since 2002 remain in Malta.

Beneficiaries of protection have a right to a travel document and many opt to leave the island on their own initiative. Some are transferred back to Malta under the Dublin Regulation framework.

There are **20,624** non-Maltese in Malta



412 refugees were resettled/relocated to the US & other countries in 2013.

2,242 beneficiaries of protection have been resettled/relocated since 2005.

73 individuals have returned home in 2013 through the Assisted Voluntary Return and Sustainable Reintegration in the Country of Origin programme.

Glossary

A **Refugee** according to the 1951 Convention (and also Maltese legislation) is a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality or habitual residence and is not able to, or because of such fear, is not willing to avail himself of the protection of that country.

An **Asylum-Seeker** is a person who is seeking international protection. In countries with individualized procedures, an asylum-seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum-seeker will ultimately be recognized as a refugee (or given another form of protection), but every refugee is initially an asylum-seeker.

Detention is a restriction on freedom of movement, usually through enforced confinement. In Malta, all individuals, including asylum seekers, who arrive in Malta without permission from immigration authorities may be detained in terms of immigration law and policy for a period of up to 12 months, or 18 months if their application for asylum is rejected. **UNHCR does not** consider it appropriate for any country to detain all asylum seekers who arrive without entry documents.

For more on this point refer to the Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention (2012), available at: www.unhcr.org/mt or www.refworld.org

Durable Solutions: Any means by which the situation of refugees can be satisfactorily and permanently resolved to enable them to live normal lives. UNHCR traditionally pursues three durable solutions: voluntary repatriation, local integration and resettlement.

Migrant: No universally accepted definition for “migrant” exists. The term migrant was usually understood to cover all cases where the decision to migrate was taken freely by the individual concerned for reasons of “personal convenience” and without intervention of an external compelling factor; it therefore applied to persons, and family members, moving to another country or region to better their material or social conditions and improve the prospect for themselves or their family.

Non-Refoulement is a core principle of international law that prohibits States from returning refugees (and also asylum-seekers) in any manner whatsoever to countries or territories in which their lives or freedom may be threatened. The principle of non-refoulement is a rule of customary international law and is therefore binding on all States, whether or not they are parties to the 1951 Refugee Convention.

Unaccompanied and Separated Children are persons below the legal age of majority who are not in the company of an adult who, by law or custom, is responsible for them, such as parents, guardians or primary caregivers.

An **Irregular migrant** is a person who (a) has entered the territory without a valid visa/document (b) over-stayed his/her visa (c) has remained on the territory despite an expulsion request or order.

A **Stateless person** is an individual who has no effective nationality and therefore cannot benefit from rights deriving from citizenship.

Subsidiary Protection is a form of complimentary protection given to those persons who, if returned to their country of origin, would suffer serious harm (death penalty or execution; torture or inhuman and degrading treatment/punishment; threat to life or person by reason of indiscriminate violence in situations of international or internal armed conflict).

Temporary Humanitarian Protection is a form of national protection granted to applicants who do not satisfy the conditions for refugee status or subsidiary protection, but who nonetheless should not be returned in view of humanitarian considerations. It may be granted to minors, persons who should not be returned to their country of origin on medical grounds, and persons who should not be returned to their country of origin on other humanitarian grounds. THP affords the beneficiary the same protection as that enjoyed under subsidiary protection.

Such terms should not be used:

“Illegal Immigrant” - A term widely used in both public and official discourse to refer to persons who have entered a country without proper visas or identity papers. The term is, however, misleading as in most countries the nature of detention is administrative and not criminal. Also, the 1951 Refugee Convention says that States cannot penalize refugees and asylum-seekers just because of unauthorized entry.

“Clandestine” - This term has a strong negative connotation, invoking a sense of criminality. Sometimes refugees and asylum seekers are often referred as “clandestines” even if they would have permission to remain in the territory of a country.

One can use terms such as “irregular migrants” instead of “illegal immigrants”. Other terms, such as “people”, “persons”, “individuals”, “migrants”, “undocumented” might be more neutral. Depending on the case and circumstances, appropriate terms are “refugees”, “asylum-seekers”, “persons seeking protection”.

UNHCR’s general objectives in Malta

Monitoring the access to protection and conditions of asylum in Malta;

Advocating for a protection sensitive asylum system and related policies;

Strengthening the capacities of government and partner agencies;

Improving the availability of durable solutions, including through local integration and resettlement or intra-EU relocation;

Increasing the general awareness about asylum issues in the country.

Malta is a signatory to the 1951 Convention relating to the Status of Refugees and its 1967 protocol since 1971. It officially lifted its geographical reservation on 13 December 2001. Malta is not a signatory to the UN Statelessness Conventions.

Contact: UNHCR Malta | 72, Market Street, Floriana, FRN 1080, Malta | mtava@unhcr.org | +356 2248 9400 | WWW.UNHCR.ORG.MT | facebook.com/unhcrmalta | twitter.com/unhcrmalta