Government introduces amendments to Immigration Appeals Board constitution and assignment of cases

Through delegated legislation (Legal Notice 168 of 2025), the government enacted the Immigration Appeals Board (Procedure) Regulations, 2025. Article 5 deals with appeals related to age assessments. An appeal due to an age assessment conducted by the Agency for the Welfare of Asylum Seekers (AWAS) are to be filed in terms of Article 25A of the Immigration Act.

Appeals of age assessments are now regulated by timeframes:

- Written submissions should be filed by the appellant or legal representative within 10 working days from the date when notification of the appeal is served on the IAB.
- Upon receipt of the submissions, the IAB provides a copy of the submissions to AWAS, and the Agency has 10 working days from the notification of submissions to present its counter-submissions.
- The IAB communicates its decision to the appellant or their legal representative and AWAS within 10 working days from the date when it received submissions from AWAS. The IAB may extend the time period to communicate the decision for exceptional and duly justified circumstances, however the overall timeframe to complete the entire procedure may not exceed 60 days.
- The same timeframes apply for other types of appeals, with the exception that the entire procedure may not exceed 90 days.

Automatic review of decisions deeming an applicant to be an adult

When AWAS deems that a person is an adult without conducting an age assessment, it must refer its decision for a review by the IAB. The review must be conducted within 5 working days from the date of receipt of the decision. If the IAB disagrees with the decision taken by AWAS, it instructs AWAS to carry out an age assessment procedure in accordance with the Agency for the Welfare of Asylum Seekers Regulations.

Source(s)

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- Parliament of the Republic of Malta | Parlament Ta' Malta (5 August, 2025), [L.N. 169 of 2025 - Immigration Appeals Board (Division) (Amendment) Regulations, 2025 Government Gazette of Malta No. 21,481], https://legislation.mt/eli/ln/2025/169/eng

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