Temporary protection - Malta

Overview

Content updated on: 2/06/2025

Relevant EU legislation

Malta transposed the Temporary Protection Directive in 2005 by the Temporary Protection for Displaced Persons (Minimum Standards) Regulations, Subsidiary Legislation 420.05, as amended by Legal Notice 188 of 2022.

National legislation

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Leġislazzjoni Sussidjarja 420.05 Regolamenti dwar Standards Minimi għall-Protezzjoni Temporanja ta' Rifuġjati

Avviż Legali 188 tal-2022, regolamenti tal-2022 li jemendaw ir-Regolament dwar Standards Minimi għall-Protezzjoni Temporanja ta' Rifuġjati

Competent authority and stakeholders

Area	Competent national authority	Assistance to the competent authority (if applicable)
Screening at the external border (if relevant)	Immigration Police	Frontex

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Area	Competent national authority	Assistance to the competent authority (if applicable)
Biometric data (if relevant)	Immigration Police	Not applicable
Granting temporary protection	International Protection Agency	Not applicable
Issuing the residence permit	Identità	Not applicable
Providing accommodation	Information currently not available	Information currently not available
Medical care	Ministry for Health	Information currently not available
Social welfare	Information currently not available	Information currently not available

The International Protection Agency activated temporary protection for displaced persons from Ukraine in Malta by an internal agency memo (which is not public) issued on 8 March 2022, in accordance with Article 6 of S.L. 420.05. The declaration in terms of S.L. 420.05 entered into force on 8 March 2022. With the entry into force of the Council Implementing Decision, the Temporary Protection for Displaced Persons (Minimum Standards) Regulations S.L. 420.05 are applied, governing the introduction, duration and termination of temporary protection of displaced persons, the conditions and procedures for obtaining and terminating temporary protection, and the rights and obligations of persons with temporary protection in Malta. Beneficiaries of Temporary Protection status are issued with a permit that expires on 4 March 2026.

Eligibility

Malta grants temporary protection to all the categories of persons defined by the Council Implementing Decision, namely:

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- Ukrainian nationals residing in Ukraine before 24 February 2022;
- Stateless persons, and nationals of third countries other than Ukraine, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022; and
- Family members of the persons referred to in points (a) and (b).

The following persons are considered to be family members, insofar as the family was already present and residing in Ukraine before 24 February 2022:

- The spouse of a person referred to in points (a) or (b), or the unmarried partner in a stable relationship;
- The minor unmarried children of a person referred to in point (a) or (b), or of his or her spouse, without distinction as to whether they were born in or out of wedlock or adopted;
- Other close relatives who lived together as part of the family unit at the time of the circumstances surrounding the mass influx of displaced persons, and who were wholly or mainly dependent on a person referred to in point (a) or (b) at the time.

Temporary protection shall also be granted to stateless persons, and nationals of third countries other than Ukraine, who can prove that they were residing legally in Ukraine before 24 February 2022 on the basis of a valid permanent residence permit issued in accordance with Ukrainian law, and who are unable to return in safe and durable conditions to their country or region of origin.

The onus to establish the eligibility for temporary protection in accordance with the Council Implementing Decision lies with the third country nationals/stateless persons concerned. In case the persons concerned are unable to submit evidence that they fall under the target groups listed above, they cannot be granted temporary protection.

Admission to the territory

Holders of a biometric passport can enter visa-free and stay in the country for a total of 90 days within the last 180 days.

Ukrainian nationals, holders of non-biometric passports require a visa to enter Malta. Exemptions are only being given upon request once confirmation that a locally residing family member will be acting as a host.

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Security screening is performed upon arrival at the airport or seaport by immigration police officials.

Provision of information

National authorities:

Temporary Protection page hosted on Ministry's website

International organisations:

UNHCR, Information for people arriving from Ukraine

Civil society:

Malta Refugee Council, Ukraine Info series

Aditus, Fact Sheet No. 24, May 2022, Temporary Protection for Persons Fleeing Ukraine

Procedural aspects

Reception and accommodation

Overview

According to Article 14(1) of S.L. 420.05 persons enjoying temporary protection shall have access to suitable accommodation or, if necessary, they shall receive the means to obtain housing accommodation. Reception arrangements and/or emergency facilities specifically for displaced persons from Ukraine are not available. Such persons are being accommodated in the community and with family members and friends who were already present in Malta prior to 24 February 2022.

Organisation of reception and accommodation

Initial reception: Information not currently available.

Accommodation: Information not currently available.

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Provision for means to obtain housing: Information not currently available.

Other types of accommodation: Information not currently available.

Rights of people granted temporary protection

Rights	Description
Access to the labour market	In terms of Article 13 of S.L. 420.05 a person who is granted temporary protection has the right to engage in employed or self-employed activities, subject to rules applicable to the profession, as well as activities such as educational opportunities for adults, vocational training and practical workplace experience. However, for reasons related to labour market policies, priority may be given to EU+ citizens and also to legally resident third-country nationals who receive unemployment benefits.
Access to medical care	According to Article 14(2) of S.L. 420.05 persons enjoying temporary protection shall receive medical care, including at least emergency care and essential treatment of illness.
Social welfare assistance and means of subsistence	According to Article 14(2) of S.L. 420.05 persons enjoying temporary protection shall receive the necessary assistance in terms of social welfare and means of subsistence, if they do not have sufficient resources. Furthermore, in terms of Article 14(3) where persons enjoying temporary protection are engaged in employed or self-employed activities, account shall be taken, when fixing the proposed level of aid, of their ability to meet their own needs. More information on social security benefits can be found here.

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Rights	Description
Education	- Minors: According to Article 15(1) of S.L. 420.05 minors enjoying temporary protection shall be granted access to the state education system under the same conditions as Maltese nationals. - Adults: According to Article 13(1) of S.L. 420.05 persons enjoying temporary protection shall be permitted to engage in activities such as educational opportunities for adults, vocational training and practical workplace experience. Furthermore, according to Article 15(2) subject to conditions as may be imposed by the "Commissioner" (Chief Executive Officer of International Protection Agency), adults enjoying temporary protection may be allowed to access the general education system.
Family reunification	According to 16 of S.L. 420.05 family members may be reunited in Malta where the Chief Executive Officer of the International Protection Agency is satisfied that the family members are close relatives who lived together as part of the family unit at the time of the event leading to the mass influx, and who were wholly or mainly dependent on the person benefitting from temporary protection. The Chief Executive Officer needs to take into account, on a case by case basis, the extreme hardship the family members would face if the reunification did not take place.
Other	information currently not available.

Assistance to unaccompanied minors

In terms of Article 17 of S.L. 420.05 it is the responsibility of the Chief Executive Officer of the International Protection Agency to take measures to ensure the necessary representation of unaccompanied minors enjoying temporary protection by legal guardianship, or where necessary, representation by an organisation which is responsible for the care and well-being of minors, or by any other appropriate representation.

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Assistance to people with special needs

In terms of Article 14(4) of S.L. 420.05 medical or other necessary assistance shall be provided to person enjoying temporary protection who have special needs, such as unaccompanied minors or persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence.

Solidarity (relocation of people who are eligible for temporary protection)

Article 25 of S.L. 420.05 states that when the number of persons who are eligible for temporary protection following a sudden and massive influx exceed Malta's reception capacity, which would have been indicated in figures or in general terms to the Council and the EU Commission, the Government of Malta shall have the right to demand that the Council of the EU examine, as a matter of urgency, the situation and take appropriate action, including the recommendation of additional support.

Impact of simultaneous application for international protection

Article 18 of S.L. 420.05 states that persons enjoying temporary protection shall be able to lodge an application for asylum at any time. The examination of any asylum application not processed before the end of the period of temporary protection shall be completed after the end of that period.

Furthermore, Article 20 of S.L. 420.05 the Chief Executive Officer of the International Protection Agency may provide that temporary protection may not be enjoyed concurrently with the status of asylum seeker while applications are under consideration. Where, after an asylum application has been examined, refugee status or, where applicable, any other kind of protection is not granted to a person eligible for or enjoying temporary protection, then, without prejudice to the possibility to appeal the decision, that person shall enjoy or shall continue to enjoy temporary protection for the remainder of the period of protection.

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In practice and according to policy, temporary protection status and asylum seekers status cannot be held at the same time. If a beneficiary of temporary protection applies for international protection, temporary protection will be automatically withdrawn. In the case a person decided to apply for international protection, their application is assessed accordingly, and a decision is taken by the International Protection Agency. The international protection status determination process is independent of the benefit of temporary protection.

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