Forms of protection - Malta

Overview

Content updated on: 2/06/2025

Relevant EU legislation

Malta is bound by the recast Qualification Directive (Standards Qualification Regulation) and the Temporary Protection Directive. The country has transposed provisions from these legal instruments in the International Protection Act, Chapter 420 of the Laws of Malta, the Procedural Standards for Granting and Withdrawing International Protection Regulations, Subsidiary Legislation 420.07, and the Temporary Protection for Displaced Persons (Minimum Standards) Regulations, Subsidiary Legislation 420.05.

National legislation

Refugee status	Article 8 of the International Protection Act
Subsidiary protection	Article 17 of the International Protection Act
Temporary protection	Article 4 and 5 of S.L. 420.05

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National forms of protection	Article 17A of the International Protection Act Temporary humanitarian protection is a national form of protection and is granted to applicants who do not qualify for refugee status or subsidiary protection status, but who is deemed to qualify for protection on humanitarian grounds. Temporary humanitarian protection may be granted to: • Unaccompanied minors who cannot be returned to their country of origin pursuant to the principle of the best interests of the child; • Applicants who are terminally ill or suffer from a severe or life-threatening medical condition that cannot be treated in the applicant's country of origin or in the country of former habitual residence for persons who are recognised as being stateless, or if treatment is available, they would not have access to such treatment; • Applicants who cannot be returned in view of other humanitarian considerations. Such considerations may include, among other things, cases of serious disability that significantly affect the applicant's ability to conduct a normal life.

Competent authority and stakeholders

Refugee status	International Protection Agency
Subsidiary protection	International Protection Agency
Temporary protection	International Protection Agency
National forms of protection	International Protection Agency

Renewal and withdrawal of international protection and national forms of protection

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Refugee status

Article 9 of the International Protection Act states that a person shall cease to possess refugee status if they:

- Has voluntarily re-availed themselves of the protection of the country of their nationality, or, having lost their nationality, have voluntarily re-acquired it; or
- Has acquired a new nationality and enjoys the protection of the country of their new nationality; or
- Has voluntarily re-established themselves in the country which they left or outside which they remained owing to fear of persecution; or
- can no longer, because the circumstances in connection with which they have been recognised as a refugee have ceased to exist, continue to refuse to avail themselves of the protection of the country of their nationality; or
- is a person who has no nationality and, because the circumstances in connection with which they have been recognised as a refugee have ceased to exist, is able to return to the country of former habitual residence.

In the case the person can no longer, because the circumstances in connection with which they have been recognised as a refugee have ceased to exist, continue to refuse to avail themselves of the protection of their country of origin, it must be taken into account whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of persecution can no longer be regarded as well-founded. However, this does not apply if the refugee is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of origin (Article 9(1) of the International Protection Act).

In terms of Article 10 of the International Protection Act, the International Protection Agency shall revoke, end or refuse to renew the refugee status of a third-country national or a stateless person, if they have ceased to be a refugee in accordance with the abovementioned clauses. The IPA is entitled to demonstrate that the person concerned has ceased to be or has never been a refugee. It may also revoke, end or refuse to renew the status granted to a refugee when:

- there are reasonable grounds for regarding him as a danger to national security;

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- the refugee, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community.

Length of first and subsequent residence permits: 3 years.

Subsidiary protection status

In terms of Article 21 of the International Protection Act, subsidiary protection shall cease if the International Protection Agency is satisfied that the circumstances which led to the granting of subsidiary protection status have ceased to exist or have changed to such a degree that the protection is no longer required. In its considerations the IPA needs to take into account whether the change of circumstances is of such a significant and non-temporary nature that the person eligible or subsidiary protection no longer faces a risk of serious harm. However, this does not apply to a beneficiary of subsidiary protection who is able to invoke compelling reasons arising out of previous persecution for refusing to avail themselves of the protection of the country of origin.

In terms of Article 22 of the International Protection Act, the International Protection Agency shall revoke, end or refuse to renew the subsidiary protection status of a third-country national or a stateless person, if they have ceased to be eligible for subsidiary protection in accordance with the abovementioned clauses.

Furthermore, the IPA may revoke, end or refuse to renew the subsidiary protection status of a third-country national or a stateless person if after having been granted subsidiary protection status, they should have been excluded from being eligible for subsidiary protection status because of having committed one or more crimes (Article 22(2) of the International Protection Act, referring to Article 17(3) of the same Act).

The International Protection Agency shall revoke, end or refuse to renew the subsidiary protection status of a third-country national or stateless person if they, after having been granted subsidiary protection status, should have been or are excluded from being eligible for subsidiary protection where there are serious reasons for considering that:

- he has committed a crime against peace, a war crime, or a crime against humanity, as defined in international instruments drawn up to make provision in respect of such crimes or is a person who instigates or otherwise participates in the commission of such crimes; or

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- he has committed a serious crime; or
- he has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Article 1 and 2 of the Charter of the United Nations; or
- he constitutes a danger to the community or the security of Malta.

The International Protection Agency shall also revoke, end or refuse to renew the subsidiary protection status of a third-country national or stateless person, if their misrepresentation or omission of facts, including the use of false documents, was decisive for the granting of subsidiary protection status.

Length of first and subsequent residence permits: 3 years.

National forms of protection

Temporary humanitarian protection, as a national form of protections is regulated by Article 17A of the International Protection Act.

The duration of protection for beneficiaries of temporary humanitarian protection is of one year and is renewable (Article 20(5) of S.L. 420.07). Residence permits are issued by Identità on the basis of the protection granted by the International Protection Agency.

The International Protection Agency is empowered to set up the necessary procedures to ensure that an applicant qualifies for temporary humanitarian protection and that they still meet the necessary eligibility criteria (Article 17A of the International Protection Act).

Renewal of the status occurs upon the initiative of the beneficiary. Failure to renew temporary humanitarian protection within a period of 12 months from the lapse of the validity of the said protection or its renewal is considered to be an unequivocal renunciation of protection (Article 13A of S.L. 420.07).

The status may be revoked, ended or not renewed whenever the conditions under which it was granted no longer subsist, or if after being granted temporary humanitarian protection, the beneficiary should have been or is excluded from being eligible for temporary humanitarian protection according to Article 17A of the International Protection Act. The International Protection Agency may also revoke, end or refuse to renew the temporary humanitarian protection status when it is established that a beneficiary of temporary humanitarian protection did

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not originally meet the criteria to be eligible for the status. No appeal shall lie from a decision by the IPA to revoke, end or not renew temporary humanitarian protection (Article 17A of the International Protection Act).

A third-country national or a stateless person is excluded from being eligible for temporary humanitarian protection where there are serious reasons for considering that:

- They have committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes or is a person who instigates or otherwise participates in the commission of such crimes; or
- They have committed a serious crime; or
- They have been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations; or
- They constitute a danger to the community or to national security.
- The above grounds also apply to persons who instigate or otherwise participate in the commission of the crimes or acts mentioned.

All rights attached to temporary humanitarian protection cease upon the decision to withdraw the status.

Content of protection

Overview

Article 20 of S.L. 420.07 regulates the rights of refugees and persons granted subsidiary protection status.

Provision of information on the content of protection

Beneficiaries are informed about the rights and obligations relating to the status in writing by the International Protection Agency when they receive their decision.

Residence permits

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Residence permits for refugees:

Authority responsible for delivering the residence permit: Identità

Length of first and subsequent residence permits: 3 years.

Procedure for delivering the residence permit (including timelines): Beneficiaries apply for renewal of their refugee status at the International Protection Agency. A facial image, digital signature and personal details are taken. Where the request is accepted, a new protection card is issued and given to the beneficiary. Following this, the beneficiary can contact Identità for the renewal of their residence permit.

Residence permits for beneficiaries of subsidiary protection:

Authority responsible for delivering the residence permit: Identità

Length of first and subsequent residence permits: 3 years.

Procedure for delivering the residence permit (including timelines): Beneficiaries apply for renewal of their subsidiary protection status at the International Protection Agency. A facial image, digital signature and personal details are taken. Where the request is accepted, a new protection card is issued and given to the beneficiary. Following this, the beneficiary can contact Identità for the renewal of their residence permit.

Travel documents

Travel documents for refugees:

Authority responsible for delivering the travel document: Identità

Validity period of the travel document: 3 years.

Procedure for delivering the travel document (including the necessity to pay any fees): Information can be found on Identità's page here. A Convention Travel Document is issued in the case of refugees.

Travel documents for beneficiaries of subsidiary protection:

Authority responsible for delivering the travel document: Identità

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Validity period of the travel document: 3 years

Procedure for delivering the travel document (including the necessity to pay any fees): Information can be found on Identità's page here. An Alien's Passport is issued in the case of beneficiaries of subsidiary protection.

Freedom of movement

According to Article 20 of S.L. 420.07, beneficiaries of international protection have a right to remain in Malta with freedom of movement, and to be granted, as soon as possible personal documents (protection card and residence permit).

Access to employment and employment-related education

Both refugees and beneficiaries of subsidiary protection enjoy employment and self-employment rights with no restrictions, under the same conditions as Maltese citizens. Moreover, refugees are entitled to Jobsplus' (Public Employment Service) services such as guidance, training services and schemes.

The employment licence is issued by Jobsplus (Public Employment Service), is valid for 12 months and needs to be renewed annually. Employment licences may also be issued for a longer duration depending on the refugee's certificate and upon the applicant's request. The fees for application and renewal are €58 and €34 respectively. Holders are fully entitled to employment insurance and pension.

Access to education

Refugees and beneficiaries of subsidiary protection under the age of 16 receive compulsory and free of charge state education.

They are also entitled to enroll in post-secondary education, after obtaining the necessary Ordinary Level examination passes. Enrolment to the University of Malta is also available under the same conditions as for all third country nationals, in terms of application procedures, fees, and stipends.

The same rights and benefits apply for family members.

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The Migrant Learners Unit within the Ministry for Education is in charge of promoting the inclusion of newly arrived learners into the education system.

Third-country nationals with a refugee status are also entitled to attend training courses organised by Jobsplus (Malta's Public Employment Service). A copy of the Refugee Certificate/card issued by the International Protection Agency has to be submitted with the application form.

Access to procedures for recognition of qualifications and validation of skills

No information currently available.

Social security and social assistance

For refugees, access to social assistance is the same as that for Maltese citizens. For more details on the various social assistance and security schemes refer to the Social Security Department website.

Access to medical services for refugees is also the same as that for Maltese citizens.

For beneficiaries of subsidiary protection, social assistance is limited to core benefits (Article 20(1)(c) of S.L. 420.07), namely limited unemployment support. Employed beneficiaries are entitled to contributory benefits if they pay social security and satisfy the related qualifying conditions.

In order to access social security and social assistance, beneficiaries of subsidiary protection have to lodge an application for Core Benefits at one of the Social Security branch offices.

Access to medical services for beneficiaries of subsidiary protection is the same as in the case of refugees.

Healthcare

Access to public health care (state medical care) for refugees and beneficiaries of subsidiary protection is the same as that for Maltese nationals (Article 20(1)(c) of S.L. 420.07).

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Access to accommodation

Refugees and beneficiaries of subsidiary protection have a right to access appropriate accommodation (Article 20(1)(c) of S.L. 420.07).

Access to integration measures

In terms of Article 20(1)(c) of S.L. 420.07, refugees and beneficiaries of international protection have a right to access integration programmes under the same conditions as nationals.

Family reunification for beneficiaries of international protection

Article 20(2)(a) of S.L. 420.07 grants refugees the right to family reunification.

Family reunification for refugees is regulated by Subsidiary Legislation 217.06. Applicants for family reunification are to submit evidence substantiating the relationship with family members. However, where a refugee cannot provide official documentary evidence of the family relationship, the Director for Citizenship and Expatriate Affairs shall take into account other evidence and, during the examination of the application, the Director shall consult with the International Protection Agency.

Conditions for family reunification: Refugees have the right to apply for family reunification after having resided in Malta for 12 months.

Family reunification procedure: Applications are submitted to the Director for Citizenship and Expatriate Affairs.

Rights deriving from family reunification: Reunited family members are granted a residence permit with a validity period as that of the sponsoring family member.

Beneficiaries of subsidiary protection have no right to family reunification.

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