Applicants with special needs - Malta

Overview

Content updated on: 2/06/2025

Relevant EU legislation

Malta is bound by the recast Asylum Procedures Directive, the recast Qualification Directive, the recast Reception Conditions Directive, and the Dublin III Regulation. The country has transposed provisions from these legal instruments in the International Protection Act, Chapter 420 of the Laws of Malta, the Reception of Asylum Seekers Regulations S.L. 420.06, and the Procedural Standards for Granting and Withdrawing International Protection Regulations, S.L. 420.07.

National legislation

- the International Protection Act, Chapter 420 of the Laws of Malta
- the Reception of Asylum Seekers Regulations S.L. 420.06
- the Procedural Standards for Granting and Withdrawing International Protection Regulations, S.L. 420.07.

Competent authority and other stakeholders

The main authorities are the International Protection Agency (IPA) (for special procedural guarantees) and the Agency for the Welfare of Asylum Seekers (AWAS) (for special reception needs).

Other authorities, such as the Health authorities, the Police, UNHCR, and civil society organisations may also identify and refer applicants in need of special procedural guarantees and/or special reception conditions. Referrals are made to AWAS as the entity responsible for determining the vulnerability of an applicant.

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Training initiatives

Staff of the International Protection Agency and the Agency for the Welfare of Asylum Seekers routinely follow training courses by the EUAA and other actors.

Special needs in reception

Identification of special needs

According to the Strategy for the Reception of Asylum Seekers and Irregular Migrants, the vulnerability assessment procedure undertaken by the Agency for the Welfare of Asylum Seekers (AWAS) shall take into account potentially traumatic experiences undergone by the applicant. The condition and circumstances of the individual, both psychological and physical, are taken into consideration in this regard. If necessary, AWAS professionals may call on the assistance of other specialised professionals whilst conducting vulnerability assessments. In this regard, AWAS, in cooperation with relevant stakeholders, has established a referral mechanism with a view to facilitating vulnerability assessment procedures.

Whenever the result of the vulnerability assessment is positive, i.e. the applicant assessed is considered to be vulnerable; the result is communicated to the Police authorities so that the applicant in question is not subject to a detention decision. In those cases where vulnerability emerges only after an applicant has been detained, the result is communicated to the Police authorities so that the detention order is withdrawn with immediate effect. The applicant is released from detention and offered accommodation at an Open Centre.

As regards age assessment processes, psycho-social assessment procedures approved by AWAS management are used. Medical age assessment procedures are undertaken only as a last resort, when the age of the applicant remains in doubt.

Preliminary identification of vulnerability takes place by the police authorities upon arrival. Potentially vulnerable persons are referred to AWAS professionals for systematic identification of vulnerability. This process is called the Adult Referral Assessment Tool. Beyond AWAS, other authorities that may be involved in the identification process, including the International Protection Agency (IPA);

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the Detention Service Agency (DSA); UNHCR; and civil societies organisations. Conditions of vulnerability may include serious chronic illnesses, psychological issues stemming from traumatic experiences or other causes, mental illness, physical disability, and age (for individuals over 60 years old). Identification of vulnerability and assessment of special procedural needs is available throughout the whole asylum procedure. In 2021, the Special Needs and Vulnerability Assessment (SNVA) Adult Referral Assessment Procedure was updated by AWAS. This procedure ensures the early identification of people with special needs (vulnerable adults) in initial reception centres. The overall objective is to identify vulnerable applicants and their special needs at any stage of the asylum procedure and to ensure timely access to appropriate services in terms of special reception needs, as well as special procedural guarantees.

Among others, in the frames of an AWAS-based EU project, a Therapeutic Team provides mental health support to applicants and individuals with protection needs. The team, which consists of 14 persons, operates within the local framework. An initial assessment is the starting point of the services, which also include a socio-demographic questionnaire, a Hopkins symptom checklist for anxiety and depression, and a PLC-5 self-reported questionnaire to assess PTSD traits. The team's tasks include report-processing, case-closing, referrals, and emergency interventions. For individuals who have been identified as vulnerable, a fast-tracking procedure out of detention applies, while all authorities involved in the asylum process are notified about the conditions of vulnerability of identified individuals. Throughout the process, applicants with special reception needs are followed up by a care team (team of welfare professionals) for particular welfare issues and who can refer and liaise with mainstream services. Potential unaccompanied minors (UAMs) go through an age assessment process.

In addition, the Ministry of Health provides training on an on-going basis for health and social care professionals on how to identify victims of trafficking. When a victim of human trafficking is identified during the asylum procedure, the victim is provided with the necessary information on the assistance and support that s/he can receive in Malta by the International Protection Agency. As much as possible the care team conducts an initial assessment with all persons at the Initial Reception Centre (IRC).

Concerns expressed by civil society indicate that due to resource and infrastructural limitations, some vulnerable individuals are either never identified or, even if identified, are not able to access the care and support they require. The main concern remains that the new system is exclusively tailored for

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migrants arriving irregularly. For asylum-seekers arriving regularly, the situation is unclear as to whether they will have access to this vulnerability assessment.

Referral of applicants with special needs

According to the Strategy for the Reception of Asylum Seekers and Irregular Migrants, the vulnerability assessment procedure undertaken by AWAS takes into account potentially traumatic experiences undergone by the applicant. The condition and circumstances of the individual, both psychological and physical, are taken into consideration in this regard. If necessary, AWAS professionals may call on the assistance of other specialised professionals whilst conducting vulnerability assessments. In this regard, AWAS, in cooperation with relevant stakeholders, has drawn up a referral mechanism with a view to facilitating vulnerability assessment procedures.

Reception and care of applicants with special needs and vulnerabilities

In terms of Article 14 of S.L. 420.06, the implementation of the provisions relating to material reception conditions and health care, including mental health, account shall be taken of the specific situation of vulnerable persons who shall include minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms or psychological, physical or sexual violence, such as victims of female genital mutilation, found to have special needs after an individual evaluation of their situation.

The entity for the welfare of asylum seekers shall assess in conjunction with other authorities as necessary, whether the applicant is an applicant with special reception needs and shall also indicate the nature of such needs. This assessment shall be initiated within a reasonable period of time after an application for international protection has been submitted.

The entity for the welfare of asylum seekers shall also ensure that support is being provided to applicants with special reception needs, taking into account their special reception needs throughout the duration of the asylum procedure, whilst conducting appropriate monitoring of their situation.

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Minors who have been victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment or who have suffered from armed conflicts shall be given access to pertinent rehabilitation services in terms of the Victims of Crime Act, Chapter 539 of the Laws of Malta, further to being provided with the required mental healthcare.

Reception facilities and other housing arrangements

Housing arrangement

Unaccompanied minors are accommodated in Dar il-Liedna in Fgura. This is a facility solely for unaccompanied minors.

Location

Unaccompanied minors are accommodated in Dar il-Liedna in Fgura. This is a facility solely for unaccompanied minors.

Speicfic needs and safety

Information is not currently available.

Detention of vulnerable persons and applicants with special reception needs

Article 6B(1) of S.L. 420.06 states that where vulnerable persons are detained, the competent authority shall ensure regular monitoring and adequate support taking into account their particular situation, including their health. In practice, persons who are deemed to be vulnerable after an assessment to this effect is carried out by the Agency for the Welfare of Asylum Seekers are released from detention, however this process may take time and is not automatic.

Minors shall be detained only as a measure of last resort and after it has been established that other less coercive alternative measures cannot be applied effectively. Their detention shall be for the shortest period of time and all efforts shall be made to release the detained minors and place them in accommodation suitable for minors. The minor's best interest shall be the primary consideration and where minors are detained, they shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their

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age (Article 6B(2) of S.L. 420.06).

Unaccompanied minors shall be detained only in exceptional circumstances, and all efforts shall be made to release the detained unaccompanied minor as soon as possible. Unaccompanied minors shall never be detained in restrictive accommodation and as far as possible, unaccompanied minors shall be provided with accommodation in institutions provided with personnel and facilities which take into account the needs of persons their age. Where unaccompanied minors are detained, the competent authority shall ensure that the said minors are accommodated separately from adults (Article 6B(3) of S.L. 420.06).

Detained families shall be provided with separate accommodation guaranteeing adequate privacy (Article 6B(4) of S.L. 420.06).

Where female applicants are detained, it shall be ensured that they are accommodated separately from male applicants, unless the latter are family members and all persons concerned consent to such an arrangement (Article 6B(5) of S.L. 420.06).

According to the Strategy for the Reception of Asylum Seekers and Irregular Migrants, whenever the result of the vulnerability assessment is positive, i.e. the applicant assessed is considered vulnerable; the result shall be communicated to the Police authorities so that the applicant is not subject to a detention decision. In those cases where vulnerability emerges only after an applicant has been detained, the result is communicated to the Police authorities so that the detention order is withdrawn with immediate effect. The applicant is released from detention and offered accommodation at an Open Centre.

Reception of unaccompanied minors

In terms of Article 14 of S.L. 420.06, in the implementation of the provisions of the law, where reference is made to minors, the best interests of the child shall constitute a primary consideration. When considering the best interest of the child due regard shall be taken to the possibilities of family reunification, the minor's general well-being and social development, safety and security considerations, and the views of the minor in accordance with his age and maturity. Minor applicants shall have access to leisure activity, including play and recreational activity appropriate to their age, and to open air activity whenever accommodated.

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AWAS shall as soon as possible take measures to ensure that the unaccompanied minor is represented and assisted by a representative and the provisions of Article 18 of S.L. 420.07 regarding unaccompanied minors shall apply. An unaccompanied minor shall be accommodated in centres specialised in accommodation for minors in accordance with the provisions Article 18 of S.L. 420.07.

An unaccompanied minor aged sixteen years or over maybe placed in accommodation centres for adult asylum seeker.

AWAS shall proceed with the tracing of the family members of the unaccompanied minor, if necessary with the assistance of international or other relevant organisations and as soon as possible after an application for international protection is made, whilst acting in the best interests of the minor. However, in cases where there may be a threat to the life or integrity of the minor or his close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis, so as to avoid jeopardising their safety.

AWAS shall ensure that persons working with unaccompanied minors have received and shall continue to receive appropriate training concerning their needs, and shall be bound by the confidentiality rules in relation to any information they obtain in the course of their work.

Reception facilities and other housing arrangements

Housing arrangements

According to Article 18 of S.L. 420.07, unaccompanied minors shall be accommodated in centres specialised in accommodation for minors or in any other accommodation suitable for the minor or entrusted to his adult relatives or a foster family. In determining who will be entitled to assume the custody of the minor, regard shall be had to the views of the minor, taking into account the age and degree of maturity of such minor. As far as possible, siblings should be kept together, taking into account the best interests of the minor concerned and the age and degree of maturity of the minor concerned. Changes of residence of unaccompanied minors shall be limited to a minimum.

Location

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Unaccompanied minors are accommodated in Dar il-Liedna in Fgura.

Specific needs and safety

Information is not currently available.

Age assessments

Article 17 of S.L. 420.07 states that a medical examination to determine the age of unaccompanied minors within the framework of any possible application for international protection may be carried out where, following general statements or other relevant indications, there are still doubts concerning the applicant's age. Such medical examination shall be:

- conducted in a language which he understands or is reasonably supposed to understand;
- performed with full respect for the individual's dignity;
- the least invasive possible; and
- carried out by qualified medical professionals allowing to the extent possible, for a reliable result.

According to the Strategy for the Reception of Asylum Seekers and Irregular Migrants, as regards age assessments, use shall be made of psycho-social assessment procedures approved by AWAS management. Medical age assessment procedures shall be undertaken only as a last resort, when the age of the migrant in question remains in doubt.

Unaccompanied persons seeking international protection, who claim to be under the age of 18, either upon arrival or when making an application for international protection, are referred to AWAS for age assessment. The age assessment procedure, which was developed to assess related claims, is not regulated by law. According to current practice, individuals who are evidently children are treated as such without recourse to any age assessment process. The age assessment process is, accordingly, followed in cases where minority is not evident beyond doubt. The first phase of the age assessment process comprises an interview carried out by AWAS officials, three social workers. For individuals visibly under the age of 14, AWAS begins this first phase on the working day immediately following their arrival and concludes by the sixth working day. This means that all referrals have to be seen within this time period.

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If a birth date cannot be concluded, a further assessment is conducted ("second phase"), consisting of an in-depth interview by three social workers. The age assessment procedure was reviewed in late 2014, introducing a number of positive improvements by focusing on a holistic approach, by including a greater integration of the benefit of the doubt in decision-making and by reducing the time-frame of the procedure.

The "third phase" consists of a decision taken by the Chairperson, which either concludes on the outcome, or if further doubts persist on the age given, and the panel is unable to reach a conclusion at this stage, the person will be recommended to go through a further age verification assessment, that is a skeletal assessment of the hand (wrist bone test) which is carried out by the Ministry of Health. The procedure is usually completed within 10 days.

If AWAS comes to a negative age assessment determination, the person claiming to be a minor is deemed to be an adult, the International Protection Agency is informed of the decision and the asylum procedure resumes as for all adult asylum seekers.

In 2021, AWAS updated the age assessment procedure and the age assessment tool with the support of the EUAA, according to the Agency's guidelines.

Access to education

In terms of Article 9 of S.L. 420.06 minor children of asylum seekers and asylum seekers who are minors have access to the education system under similar conditions as Maltese nationals, as long as an expulsion measure against them or their parents is not actually enforced. Such education may be provided as may be determined y the Director of Education.

Access to education shall not be postponed for more than 3 months from the date of the lodging of the application for international protection by the minor or the minor's parents. However, this period of delay may be extended for one year where specific education is provided in order to facilitate access to the education system. Preparatory classes for the minor children of applicants, including language classes, are provided where these are necessary with a view to facilitating their participation in the education system (Article 9 of S.L. 420.06).

Practical challenges include lack of information about educational background prior to arrival; and difficulties in communication and understanding classroom discussion.

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Access to healthcare

Article 14(1)(a) of S.L. 420.06 states that in the implementation of the legal provisions relating to material reception conditions and health care, including mental health, account shall be take of the specific situation of vulnerable persons including minors and unaccompanied minors (amongst other categories of vulnerable persons). Furthermore, in terms of Article 14(1)(c) of S.L. 420.06, minors who have been victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment or who have suffered from armed conflicts shall be given access to pertinent rehabilitation services in terms of the Victims of Crime Act, further to being provided with the required mental health care. An evaluation by AWAS carried our in conjunction with other authorities as necessary shall be conducted as soon as practicably possible.

Newly arrived irregular migrants, relocated asylum seekers, rescued migrants including those airlifted during rescue at sea operations, persons who arrive at AWAS Main Office requesting accommodation after applying for asylum, and individuals seeking international protection, except those from vulnerable groups, are accommodated at an Initial Reception Centre, a contained environment, in order for them to be medically screened and processed by the competent authorities. The stay of an irregular migrant at an Initial Reception Centre is of a limited duration and duration does not extend beyond the granting of medical clearance by the Public Health authorities. The asylum seekers accommodated at the Initial Reception Centre can go in and out of the centre until the medical clearance is received unless otherwise ordered by the Public Health authorities on medical grounds.

Transition to adulthood

There is no national strategy in place that supports the transition to adulthood of unaccompanied minors, but work is guided by the following policies and strategies:

- National Children Policy for all children in Malta.
- Positive Parenting National Strategic Police 2016- 2024.
- Strategy for the Reception of Asylum Seekers and Irregular Migrants.

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Unaccompanied minors in Malta reach adulthood when they turn 18 years of age. All unaccompanied minors are assigned to a social worker (employed with AWAS) who follows their case and considers the best interest of the child while assisting them for their transition to adulthood. All minors have a specific care plan, which is usually discussed during a case conference meeting and in the presence of the minor. It is considered crucial for minors to be active participants in the decisions being made regarding their life. The case is usually reviewed every six months; therefore the care plan is updated regularly. Recommendations may include psychological, medical and/or education support.

Unaccompanied minors from the age of 16 onwards have legal access to the labour market. Six months before the minor reaches adulthood the social worker meets with the minor to discuss the plans of the minor once he/she reaches the age of 18 years. Minors who are approaching the age of majority, working legally, and are assessed to be capable of living on their own are encouraged to rent private accommodation, rather than be transferred to an Open Centre at the age of 18. Unaccompanied minors who cannot afford to rent their own accommodation are given accommodation for a maximum of one year in one of the Adult Open Centres. Further accommodation is given in cases of vulnerability. Minors who turned adults are also supported with financial assistance. Social workers continue monitoring those who turned 18 years for a period and supported by the Therapeutic Team.

Unaccompanied minors, who were not entitled to be granted international protection, are granted Temporary Humanitarian Protection (THP) until they reach the age of majority. Once the unaccompanied minor turns 18, the THP is immediately withdrawn, and they become subject to return to their country of origin. In this case, there is no right of appeal from the International Protection Agency's decision to end, revoke or not renew THP but there is the possibility to appeal against the first decision which concluded that the unaccompanied minor did not meet the criteria to be granted international protection.

Detention of unaccompanied minors

In terms of Article 6B(2) of S.L. 420.06 minors shall be detained only as a measure of last resort and after it has been established that other less coercive alternative measures cannot be applied effectively:

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- Provided that the said detention shall be for the shortest period of time and all efforts shall be made to release the detained minors and place them in accommodation suitable for minors:
- Provided further that the minor's best interests shall be a primary consideration:
- Provided further that in case where minors are detained, they shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age.

Article 6B(3) of S.L. 420.06 further states that unaccompanied minors shall be detained only in exceptional circumstances, and all efforts shall be made to release the detained unaccompanied minor as soon as possible:

- Provided that, unaccompanied minors shall never be detained in restrictive accommodation:
- Provided further that, as far as possible, unaccompanied minors shall be provided with accommodation in institutions provided with personnel and facilities which take into account the needs of persons their age:
- Provided further that where unaccompanied minors are detained, the competent authority shall ensure that the said minors are accommodated separately from adults.

In practice, unaccompanied minors are detained pending age assessment by AWAS.

Special procedural guarantees

First instance determination for applicants with special needs

Article 7 of S.L. 420.07 provides for applicants in need of special procedural guarantees. The International Protection Agency (IPA) shall assess within a reasonable period of time after an application for international protection is made whether the applicant is in need of special procedural guarantees. The IPA may lay down the procedure with a view to determining whether a person is in need of special procedural guarantees. The outcome of such an assessment shall be inserted in the applicant's file. Furthermore, the IPA shall ensure that where an applicant has been identified as an applicant in need of special procedural guarantees, such applicant will be provided with adequate support throughout the whole procedure. The need for special procedural guarantees shall also be

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addressed even if such need becomes apparent at a later stage and even without the necessity of initiating new procedures.

Whenever it is considered that an applicant requires special procedural guarantees as a consequence of having suffered torture, rape or other serious form of psychological, physical or sexual violence, the accelerated procedure shall not be applied.

Access to information

Information on the asylum procedure is provided by the International Protection Agency and the Agency for the Welfare of Asylum Seekers. Information leaflets are provided in English and a number of other languages. Information provision activities are also conducted by other stakeholders, such as UNHCR and civil society organisations.

Personal interview

Article 13 of the International Protection Act states that a person seeking international protection shall be interviewed by the International Protection Agency (IPA) as soon as practicable. Applicants in need of special procedural guarantees are those whose ability to benefit from the rights and comply with the obligations provided for the law, is limited due to individual circumstances. Minors and unaccompanied minors are considered to be in need of special procedural guarantees. The IPA must conduct interviews under conditions which allow the applicant to present the grounds for their application in a comprehensive manner and must ensure that interviews with minors are conducted in a child-appropriate manner (Article 10(10((f) of S.L. 420.07).

Legal assistance

In terms of Article 12 of S.L. 420.07 an applicant shall be allowed to consult, at their own expense, in an effective manner, a legal adviser in relation to their application for international protection at all stages of the procedure.

In the case of an appeal, free legal assistance shall be granted under the same conditions applicable to Maltese nationals. Free legal assistance shall include, at least, the preparation of the required procedural documents and participation in

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the hearing before a court or tribunal of first instance on behalf of the applicant.

Legal assistance and representation shall not be arbitrarily restricted thus hindering the applicant's effective access to justice.

Guarantees for unaccompanied minors

In terms of Article 13 of the International Protection Act, unaccompanied minors shall be assisted by a representative appointed by the Chief Executive Officer of the Agency for the Welfare of Asylum Seekers (AWAS). Article 18 of S.L. 420.07 sets out specific rules on how aspects of the personal interview for unaccompanied minors should be conducted. Action shall be taken as soon as possible, and not later than 30 days form the issue of the care order issued in accordance with Article 13 of the International Protection Act.

1. The unaccompanied minor shall be represented and assisted by a representative, appointed by the CEO of AWAS, during all phases of the asylum procedure.
2. The unaccompanied minor shall be informed immediately of the appointment of a representative, who shall perform their duties in the best interest of the minor and shall also have the necessary knowledge of the special needs of the minor.
3. The person acting as representative shall be changed only when necessary.
4. The appointed representative of the unaccompanied minor should be given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare for the personal interview. The representative shall be present at the interview and may ask questions or make comments within the framework set by the person who conducts the interview.
5. Unaccompanied minors shall be provided with legal and procedural information, free of charge in accordance with relevant provisions on legal assistance.
6. Where an unaccompanied minor has a personal interview on his application for international protection, that interview is to be conducted and the decision prepared by a person who has the necessary knowledge of the special needs of minors.

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Making, registering and lodging an asylum application

In order for an unaccompanied minor to lodge an application for international protection, a legal representative needs to be appointed. In terms of Article 13 of the International Protection Act, unaccompanied minors shall be assisted by a representative appointed by the Chief Executive Officer of the Agency for the Welfare of Asylum Seekers (AWAS).

According to Article 18 of S.L. 420.07, for unaccompanied minors for whom a representative is appointed by AWAS, action shall be taken as soon as possible, and not later than thirty days from the issue of the care order. The unaccompanied minor shall be represented and assisted by a representative, appointed by the Chief Executive Officer of AWAS, during all phases of the asylum procedure.

Information provision

Article 18 of S.L. 420.07 states that it shall be ensured that unaccompanied minors shall be provided with legal and procedural information, free of charge, in accordance with the relevant rules relating to legal assistance.

Best interests of the child in the Dublin procedure

Article 14(4) of S.L. 420.06 states that in the implementation of provisions relating to reception, the best interests of the child shall constitute a primary consideration. When considering the best interest of the child due regard shall be taken to the possibilities of family reunification (amongst other things).

AWAS may conduct a best interest assessment within the context of a Dublin procedure, for example in cases where the unaccompanied minor has family members in another Member State.

Personal interview

In terms of Article 18 of S.L. 420.07, where an unaccompanied minor has a personal interview on his application for international protection, that interview is to be conducted and decision prepared by a person who has the necessary

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knowledge of the special needs of minors.

Furthermore, it shall be ensured that the appointed representative of the unaccompanied minor is given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare himself for the personal interview. The representative shall be present at the interview and may ask questions or make comments within the framework set by the International Protection Agency.

Legal representation during the asylum procedure

In terms of Article 13 of the International Protection Act, unaccompanied minors shall be assisted by a representative appointed by the Chief Executive Officer of the Agency for the Welfare of Asylum Seekers (AWAS).

According to Article 18 of S.L. 420.07, for unaccompanied minors for whom a representative is appointed by AWAS, action shall be taken as soon as possible, and not later than thirty days from the issue of the care order. Such action shall be:

- The unaccompanied minor shall be represented and assisted by a representative, appointed by the Chief Executive Officer of AWAS, during all phases of the asylum procedure.
- The unaccompanied minor shall be informed immediately of the appointment of a representative, who shall person his duties in the best interest of the minor and shall also have the necessary knowledge of the special needs of minors.
- The person acting as a representative shall be changed only when necessary.
- It shall be ensured that the appointed representative of the unaccompanied minor is given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare himself for the personal interview. The representative shall be present at the interview and may ask questions or make comments within the framework set by the person who conducts the interview.
- It shall be ensured that unaccompanied minors shall be provided with legal and procedural information, free of charge in accordance with applicable provisions on legal assistance.

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Organisations or individuals whose interest conflict or could potentially conflict with those of the unaccompanied minor shall not be eligible to become representatives.

Legal assistance and counselling

In terms of Article 12 of S.L. 420.07 an applicant shall be allowed to consult, at their own expense, in an effective manner, a legal adviser in relation to their application for international protection at all stages of the procedure.

In the case of an appeal, free legal assistance shall be granted under the same conditions applicable to Maltese nationals. Free legal assistance shall include, at least, the preparation of the required procedural documents and participation in the hearing before a court or tribunal of first instance on behalf of the applicant.

Legal assistance and representation shall not be arbitrarily restricted thus hindering the applicant’s effective access to justice.

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