

Information provision - Malta

Overview

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 Procedural Standards for Granting and Withdrawing International Protection Regulations, Subsidiary Legislation 420.07](#), and the [Reception of Asylum Seekers Regulations, Subsidiary Legislation 420.06](#)

National legislation

Provisions related to information provision can be found in The Procedural Standards for Granting and Withdrawing International Protection Regulations, Subsidiary Legislation 420.07 (S.L. 420.07). In particular, the following articles set out the obligations of the authorities in relation to information provision:

- Guarantees and obligations of applicants (article 4)
- Access to the procedure (article 5)
- Information and counselling in detention facilities and at border crossing points (article 5A)
- Time limits for the examination procedure (article 6)
- Reporting and recording of personal interviews (article 11)
- Decisions by the International Protection Agency (article 14)
- Unaccompanied minors, including those being represented by the Agency for the Welfare of Asylum Seekers (article 17-18)
- Assessing safe third countries (article 22)

Additionally, legal provisions on information provisions are also enshrined in [Reception of Asylum Seekers Regulations, Subsidiary Legislation 420.06 \(S.L.420.06\)](#). The following provisions are applicable in this regard:

- General provisions on reception conditions (Article 4)
- Detention, residence and freedom of movement (Article 6(2))
- Detention facilities (Article 6A)

Competent authority and other stakeholders

Area/stage of the asylum procedure	Competent authority
Reception	Agency for the Welfare of Asylum Seekers (AWAS)
Registration of application	Agency for the Welfare of Asylum Seekers (AWAS)
Lodging of application	Agency for the Welfare of Asylum Seekers (AWAS)
Dublin procedure	Agency for the Welfare of Asylum Seekers (AWAS)
Assessment of application	Agency for the Welfare of Asylum Seekers (AWAS)
Communication of first instance decision	Agency for the Welfare of Asylum Seekers (AWAS)
Content of protection	Agency for the Welfare of Asylum Seekers (AWAS)
Appeal procedure	Agency for the Welfare of Asylum Seekers (AWAS)
Communication of second instance decision	International Protection Appeals Tribunal (IPAT)
Resettlement	N/A

Provision of information in the asylum procedure

Access to procedure

If an applicant requests asylum directly at the International Protection Agency (IPA), IPA provides them with a date and time for an appointment to lodge their application. On the same day of the lodging appointment, prior to the lodging of the application, an officer of IPA informs the applicant of their rights and obligations, and the applicant will have the opportunity to ask any questions. At this stage, the applicant will also be provided with the relevant EUAA information provision booklets, in a

language which they are reasonably expected to understand. IPA has also produced their own national booklets, which are available on the official website of the agency. Some of these booklets target applicants with special needs, including unaccompanied minors. Information on the website is also available in video format.

For applicants who arrive irregularly in Malta, the immigration authorities inform them of the possibility to apply for asylum through a document which provides general information on the asylum procedure upon their arrival. The applicant is then referred to IPA.

Applicants accommodated at the Initial Reception Centre will also receive information by the Agency for the Welfare of Asylum Seekers (AWAS) and UNHCR on their right to apply for asylum.

In detention, according to Article 5A of the S.L.420.06, where there are indications that third country nationals or stateless persons held in detention facilities, or present at border crossing points, including transit zones and at external borders, may wish to make an application for international protection, the relevant authorities are obliged to provide them with information on the possibility to do so and shall arrange for interpretation to facilitate access to the asylum procedure.

Dublin procedure

With respect to the Dublin procedure, information is provided by IPA upon the lodging of the application for international protection. Such information is provided in English, with the facilitation of an interpreter, and refers to the fact that the applicant might be transferred to another Member State according to the rules set out by the Dublin III Regulation.

IPA provides applicants, for whom a Dublin transfer is considered, a document explaining the Dublin procedure and informing that the assessment of their application is on hold until a decision on a possible Dublin transfer is taken. This document comprises of a standard information sheet. However, individualised information is provided according to the applicant's needs.

If another Member State is determined to be the responsible state for examining the application, a decision is issued to the applicant in this regard, stating that the application for international protection is inadmissible. The decision also includes information on the possibility to appeal. Applicants receiving a Dublin decision are provided with a letter explaining that they are transferees. They are also informed in person about the transfer and the date when it will take place.

First instance determination

The applicant is informed of the date of personal interview when a date is set by IPA. Applicants are informed by various means, primarily with a phone call, by email or by letter, or through their legal representative where applicable.

The applicant is provided with information about the interview and its purpose, their rights and obligations including the consequences of non-cooperation and non-compliance with the obligations, the right to an interpreter, the roles of those present during the interview and on the procedure after the interview. The information is provided verbally and in writing during lodging of the application, and again verbally prior to the interview through the use of interpreters.

Once a decision has been taken, the applicant is called for an appointment to receive their decision, which is communicated to them by an IPA officer with the help of an interpreter. The following documents are provided to the applicant:

- a copy of the decision document stating the outcome of the application;
- a copy of the interview transcript;
- a copy of the full evaluation report indicating the reasons in fact and in law that led to the IPA's decision; and
- a notification concerning the right to appeal against this decision to the International Protection Appeals Tribunal (IPAT), if applicable.

Information on how to challenge a negative decision is given in writing to those applicants whose application was rejected with regard to refugee status and/or subsidiary protection status.

The applicant is also asked to sign a declaration confirming that they were notified of the decision and received all of the aforementioned documentation.

Unaccompanied minors are notified of the outcome of the decision through their legal representative.

Legal assistance and representation

With regards to the asylum procedure which is regulated by [S.L. 420.07](#), the authorities have an obligation to inform the applicant of their right to consult UNHCR or any other national organisation

providing legal advice and to have legal assistance during all the phases of the asylum procedure (Article 4(1)(a)(v) of S.L. 420.07). This information shall be given in time to enable the applicant to exercise the rights guarantees and to comply with the obligations prescribed by law.

With regards to detention, whenever a detention order is issued, the Principle Immigration Officer (who issues the detention order) shall inform the applicant of the procedure to challenge detention and obtain free legal assistance and representation.

Resettlement and humanitarian admissions

No resettlement or humanitarian admission programmes are currently in place.

Content of protection

Once IPA has decided on an asylum application, applicants are given an appointment to receive their decision in person from the IPA, unless they are in detention or in prison. At the front office of the IPA, an officer notifies the applicant of the outcome of their application, and informs them of the associated rights and obligations of their status. Brochures relating to the content of protection on refugee status and subsidiary protection are also available on the website of IPA.

Provision of information in reception

Reception conditions

S.L.420.06 provides that within 15 days from lodging an application, applicants are informed of reception benefits and obligations, and of groups and individuals providing legal and other forms of support. At the Initial Reception Centre (IRC), individuals are informed by officials from AWAS about their right to apply for international protection. UNHCR also provides relevant information at the IRC. AWAS provides information about the reception conditions available, about the centre applicants reside in, and general information related to applicants' stay in Malta. In Open Centres, within days of their placement, residents are provided with detailed information on their rights and obligations. An Information Booklet for Residents of Open Centres is available [here](#).

In detention

According to Article 6(2) of S.L. 420.07 a detention order issued by the Principal Immigration Officer in writing, in a language which the applicant is reasonably supposed to understand, shall state the reason or reasons on which it is based. Wherever the PIO issued such a detention order he shall also inform the applicant of procedures to challenge detention and obtain free legal assistance and representation