Access to procedures and non-refoulement - Malta

Overview

Content updated and validated on: 16/09/2025

Relevant EU Legislation

Malta is bound by the recast Asylum Procedures Directive and has transposed its provisions in the International Protection Act, Chapter 420 of the Laws of Malta and Subsidiary Legislation 420.07 Procedural Standards for Granting and Withdrawing International Protection Regulations.

National legislation

- Article 1(2), International Protection Act, Chapter 420 of the Laws of Malta | original language
- Article 13, International Protection Act, Chapter 420 of the Laws of Malta | original language
- Article 14, International Protection Act, Chapter 420 of the Laws of Malta | original language
- Article 5, Procedural Standards for Granting and Withdrawing International Protection Regulations, S.L. 420.07 | original language
- Article 5, Reception of Asylum Seekers Regulations, S.L. 420.06 | original language

Competent authority and stakeholders

Steps of the asylum procedure	Competent national authority	Assistance to competent authority (if applicable)

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Screening at the external border	Police, Immigration Section	Not applicable
Biometric data	Police, Immigration Section	Not applicable
Making an application	**At the border:** Police, Immigration Section **On the territory**: International Protection Agency (IPA) | Aġenzija għall-Protezzjoni Internazzjonali **In detention**: Detention Services Agency **In prison:** Correctional Services Agency	Not applicable
Registering an application	**On the territory:** International Protection Agency (IPA) | Aġenzija għall-Protezzjoni Internazzjonali **In detention:** International Protection Agency (IPA) | Aġenzija għall-Protezzjoni Internazzjonali	Not applicable

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Lodging an application	**On the territory:** International Protection Agency (IPA) | Aġenzija għall-Protezzjoni Internazzjonali **In detention:** International Protection Agency (IPA) | Aġenzija għall-Protezzjoni Internazzjonali	Not applicable
Information provision on the asylum procedure, including the Dublin procedure and subsequent steps	International Protection Agency (IPA) | Aġenzija għall-Protezzjoni Internazzjonali **Within reception:** Agency for the Welfare of Asylum Seekers | Aġenzija għal Ħarsien ta' Persuni li Jkunu Qed Ifittxu l-Ażil	Not applicable

Access to the territory

Official external border-crossing points

Malta has one external air border crossing point: Malta International Airport, Luqa.

Malta has four external sea border crossing points:

- Valletta Seaport and Sea Passenger Terminal, Grand Harbour
- Malta Freeport, Marsaxlokk
- Msida Yacht Marina, Msida
- Mġarr Yacht Marina, Gozo

Emergency measures in cases of mass arrivals

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Specific legislation does not exist on triggering emergency measures in the case of mass arrivals. However, the law provides an extension to the timeframe for the registration of an application. Article 5(2) of Subsidiary Legislation 420.07 states that when simultaneous applications for international protection by a large number of people make it difficult in practice to respect the 3-day limit to register an application after it is made, the International Protection Agency may extend the time limit to 10 working days. In addition, the Maltese authorities have developed and maintain a comprehensive contingency plan to be activated in the event of mass arrivals. This plan sets out clear operational procedures, designates responsibilities among the relevant national agencies, and provides for the rapid mobilisation of resources to ensure an immediate and coordinated response. It also outlines mechanisms for reception, registration, and the provision of essential services, while safeguarding fundamental rights and ensuring that Malta's obligations under international and European Union law are upheld.

Protection from refoulement

The principle of protection from *refoulement* is enshrined in the International Protection Act, Article 14(1). Article 16(1) of S.L. 420.07 states that an applicant can remain on the Maltese territory for the sole purpose of the asylum procedure until the International Protection Agency has made a decision. The right to remain does not constitute an entitlement to a residence permit. Furthermore, Article 16(2) states that an applicant should not be removed from Malta and should be allowed to enter and remain in Malta before a final decision is rendered on the application, except when a subsequent application is found to be inadmissible or the person surrenders or is extradited on a European Arrest Warrant, to a third country or to an international criminal court or tribunal. In addition, Article 16(3)(b) of S.L. 420.07 specifies that an exception to the right to remain may also be made when an applicant makes another subsequent application following a final decision considering a first subsequent application as inadmissible or after a final decision to reject that application as unfounded.

The principle of *non-refoulement* does not apply to a refugee or a beneficiary of subsidiary protection when there are reasonable grounds to consider them as a danger to the security of Malta or a danger to the community when convicted by a final judgment of a particularly serious crime (Article 14(2)).

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Protection from *refoulement* at air borders

In case an application for international protection is made at the air borders, the Immigration Section within the Malta Police Force, which is also tasked with border guard duties, informs the International Protection Agency for the necessary follow-up to register and lodge the application. Article 5(4) of S.L. 420.07 specifies that the applicant must be advised and assisted on how and where to lodge an application.

Protection from *refoulement* at land borders

Malta does not have any land borders.

Protection from *refoulement* at sea borders

Search and rescue (SAR) operations at sea are conducted by the Armed Forces of Malta (AFM). SAR operations are conducted in the Malta Search and Rescue Region (SRR) primarily through AFM resources and assets to aid people in distress at sea. The Rescue Coordination Centre (RCC) Malta, located at the AFM Operations Centre in Luqa Barracks, is responsible for coordinating all SAR operations within the Malta SRR.

In case an application for international protection is made at the sea borders, the Immigration Section within the Malta Police Force stationed at sea borders informs the International Protection Agency for the necessary follow-up to register and lodge an application. Article 5(4) of S.L. 420.07 specifies that the applicant must be advised and assisted on how and where to lodge an application.

Protection from *refoulement* in cases of emergency measures related to mass arrivals

No specific mechanism is in place to protect the principle of *non-refoulement* if emergency measures are activated due to a mass arrival. No specific monitoring mechanism is in place. Nonetheless, the official stance of the Maltese government is that the principle of *non-refoulement* is always adhered to, including in those instances where the persons concerned apply for international protection.

Border procedure

Currently Malta does not apply border procedures.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Procedural aspects

Depending on the circumstances, an application for international protection can be made, registered and lodged in one step with the International Protection Agency. The lodging of the application may also take place later.

An application can also be made (declared) to other authorities, including the Immigration Section within the Malta Police Force at border-crossing points, the Detention Services Agency (for persons who are in detention) and the Correctional Services Agency (for persons who are in prison). Once an application is made, these authorities inform the International Protection Agency for the necessary follow-up to register and lodge the application. Article 5(4) of S.L. 420.07 specifies that the applicant must be advised and assisted on how and where an application can be lodged.

Making an application

A person may express their wish to apply for international protection to the International Protection Agency when on the territory. The application is registered during the same process, while the lodging of the application may take place on the same day or later, depending on available resources.

An application can also be made to other authorities such as, the Immigration Section within the Malta Police Force (at the external border crossing points), the Detention Services Agency (when in administrative detention) or the Correctional Services Agency (when in pre-trial detention or serving a sentence for a criminal offence). These authorities inform the International Protection Agency for the necessary follow-up to register and lodge the application. Article 5(4) of S.L. 420.07 specifies that the applicant must be advised and assisted on how and where to lodge the application.

UNHCR can be consulted by an applicant at any stage of the asylum procedure and may be present during any interview of the applicant (Article 21 S.L. 420.07). UNHCR may also be present during other steps of the procedure, including the lodging of the application, if requested by the applicant.

Possibility to apply from outside the territory

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

It is not possible to make an application from outside the territory. Article 1(2) of the International Protection Act states that the provisions of the law do not apply to requests for diplomatic or territorial asylum submitted to Maltese representations.

No humanitarian admission programmes or visa procedures specific to asylum are in place.

Formal requirements for making an application

An application can only be made in person, as the individual needs to be physically present on the territory to make their application. Parents can make an application on behalf of their minor children, who however must also be present.

An individual can make an appointment to make and register their application at the International Protection Agency by calling or sending an email. Provided that the application cannot be lodged on the same day, the applicant is subsequently given another appointment to lodge their application.

Registering an application

Responsible authority and place

The International Protection Agency is the responsible authority for registering applications for international protection. Registration may be done in the same step or process as the making of the application, or it may be done in a separate step depending on the situation and workload.

Article 5(2) of S.L. 420.07 states that the International Protection Agency must register the application for international protection within 3 working days. However, when an application is made to other authorities (e.g. the Immigration Section within the Malta Police Force or the Detention Services Agency), the International Protection Agency must register the application within 6 working days. The law also provides that when simultaneous applications for international protection are made by a high number of people, the International Protection Agency may extend the time limit for registration to 10 working days.

Practical steps to register the application

During the registration of an application, the applicant’s data are entered into the National Asylum Seekers Management System (NASMS), which is used by the

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

International Protection Agency and other relevant authorities to track applications for international protection. When the application is registered in the NASMS database, a unique application number is created to identify the application. All applicants, including accompanied minors, are registered individually. In the case of families, if both parents are present, the mother usually makes an application on behalf of the child.

During the making and registration, the applicant is provided with basic information regarding the asylum procedure, including on how to access reception conditions, if needed. At the lodging stage, more detailed information on the asylum procedure and the various steps involved (including the interview, the assessment and the decision) is given to the applicant. Information is also provided on any other service which is available to applicants for international protection.

Data collection

During registration, the applicant's personal information is collected and entered into the NASMS database. The database is managed by the Ministry responsible for asylum and migration and is accessible to relevant stakeholders, including the International Protection Agency, the Agency for the Welfare of Asylum Seekers (AWAS), the International Protection Appeals Tribunal, the Immigration Section within the Malta Police Force, the Migration Directorate and the Detention Services Agency. Fingerprints for Eurodac and for checks against the Visa Information System (VIS) are normally taken at the lodging stage. However, in the case of irregular arrivals by boat, the fingerprints for Eurodac are taken upon disembarkation.

Documentation

After an application is made and registered, a personal details form is provided to the applicant, which contains the date of the appointment for the lodging of the application (if lodging of the application is to be done at a subsequent date). The document is valid, for example, during random police searches, to establish that the person concerned has made an application for international protection.

An Asylum Seeker's Document and a certified copy of the application form (specific sections) are given to the applicant after the lodging of the application is completed. An applicant is entitled to access reception conditions as soon as an application has been made.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Lodging an application

Responsible authority and place

The International Protection Agency is responsible for lodging applications for international protection. Applications are lodged at the International Protection Agency offices in Ħamrun or at Safi Barracks (if the applicant is in detention), at Corradino Correctional Facility (if the applicant is in prison) and at Mater Dei hospital or at Mount Carmel hospital (if the applicant is hospitalized and unable to visit the IPA's premises in Hamrun). The lodging of an application may be done in the same step as the making and registration of the application or in a separate step depending on the situation and workload. Article 5(3) of S.L. 420.07 states that the International Protection Agency must ensure that the applicant has an effective opportunity to lodge the application as soon as possible.

UNHCR can be consulted by the applicant at any stage of the asylum procedure and may be present during any interview of the applicant (Article 21 S.L. 420.07). Furthermore, UNHCR may also be present during other steps of the procedure, including the lodging of the application, if requested by the applicant.

Formal requirements to lodge an application for international protection

To formally lodge an application for international protection the applicant must submit a signed application form containing all personal details and background, family links, education, travel itinerary before arriving to Malta, reasons for requesting international protection, information necessary for determining the Member State responsible for examining the application in accordance with the Dublin Regulation, as well as a declaration that the information is correct and a consent form to share information with other countries pursuant to the Dublin III Regulation. Information on vulnerability indicators which are identified by the International Protection Agency during the lodging process is also included in the application form.

At the registration stage, a photograph of the applicant is taken, which is then included in the Asylum Seeker's Document (ASD) issued after lodging. Fingerprints are taken twice; for registration in Eurodac and to carry out checks against the VIS. The applicant is also referred to the health services for a compulsory medical screening. If the applicant arrived irregularly by boat, the medical screening is done immediately and the fingerprints for Eurodac would have been taken immediately upon disembarkation by the Immigration Section

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

within the Malta Police Force.

Documentation

The applicant is provided with an Asylum Seeker's Document (ASD) as proof that an application for international protection has been lodged. The document entitles the applicant to reception conditions and access to services provided to asylum seekers.

Applicants who are in detention or in prison are not issued with an ASD until they have been released.

Information provision

Information on the asylum procedure and the various steps (including the Dublin procedure, the interview, the assessment and the decision) are given to the applicant. Information is also provided on how to access reception conditions, if needed, and any other service which is provided to applicants for international protection.

Passport and other documents

Obligation to surrender original documents

Requirement to submit original documents

Article 4(3)(d) of S.L. 420.07 requires the applicant to hand over all documents in their possession. Furthermore, Article 9(3) of S.L. 420.07 requires applicants to submit as soon as possible all elements needed to substantiate the application for international protection, such as the applicant's statements and all documentation on the applicant's age, background (including relatives), identity, nationality, country and place of previous residence, previous applications for international protection, travel routes, travel documents and the reasons for applying for international protection.

Consequence of refusal to surrender documents

No specific legal provision exists for a refusal to submit or the non-existence of a passport. Generally, persons arriving in an irregular manner by boat are not in possession of a passport.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

A refusal to surrender documents, when there is evidence that the applicant is in possession of such documents, may be taken into consideration during the assessment of the application. If an applicant does not surrender the passport, or other relevant documentation, to the authorities, the application for international protection is discontinued as implicitly withdrawn on the basis that the applicant failed to provide information essential to the application.

Documents in original format must be physically submitted to the International Protection Agency.

Return of original documents to the applicant

An applicant may request the return of original documents when the application is decided. Travel documents and passports are not usually returned to the applicant unless this is in the context of a voluntary departure or a forced return (conducted by the Immigration Section of the police).

Other documents

Article 4(3)(d) of S.L. 420.07 requires the applicant to hand over all documents in their possession. Furthermore, Article 9(3) of S.L. 420.07 requires applicants to submit as soon as possible all elements needed to substantiate the application for international protection, such as the applicant's statements and all documentation on the applicant's age, background (including relatives), identity, nationality, country and place of previous residence, previous applications for international protection, travel routes, travel documents and the reasons for applying for international protection.

A refusal to surrender documents, when there is evidence that the applicant is in possession of such documents, may be taken into consideration during the assessment of the application. If an applicant does not surrender documentation relevant to their application to the authorities, the application for international protection is discontinued as implicitly withdrawn on the basis that the applicant failed to provide information essential to the application.

Documents that are not in original format can be submitted electronically by email.

Requirement to read digital data

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

There are no specific legal provisions on surrendering digital data from the applicant's personal devices. However, in case the applicant is requested to make available digital data to the International Protection Agency, and the applicant refuses, the application for international protection is discontinued as implicitly withdrawn on the basis that the applicant failed to provide information essential to the application.

Guarantees for applicants

Confidentiality principle

Confidentiality is regulated by Article 15 of S.L. 420.07. All information related to an application for international protection will remain confidential, without prejudice to access to the applicant's file by the Ministry for Home Affairs, Security and Employment.

No information about the application will be disclosed, under any circumstances, to the alleged actor of persecution or serious harm. Maltese authorities are also prohibited from obtaining information from the alleged actor of persecution or serious harm in a manner that would inform the actor that an application has been made by the applicant and would jeopardise the physical integrity of the applicant or their dependants, or the liberty and security of their family members still living in the country of origin.

The lodging of an application is conducted at the offices of the International Protection Agency (Ħamrun or Safi Barracks) in a dedicated interview room where privacy can be ensured. Lodging of applications is also conducted at Corradino Correctional Facility (if the applicant is in prison), at Mater Dei hospital and at Mount Carmel hospital (if the applicant is hospitalized and unable to come to the IPA's premises in Ħamrun), however always under conditions where privacy and confidentiality can be ensured.

Information provision

Applicants receive oral, in-person information on how to make, register, and lodge an application for international protection at the initial stage of making of an application. During the lodging stage, they are provided with more detailed oral information, again in person, along with various written materials in the form

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

of an information leaflet and dedicated booklets. Basic information may also be given electronically if the applicant inquires via email or by phone.

The IPA is the main authority responsible for providing information on access to the asylum procedure, while AWAS plays this role in the reception context. Other authorities, such as the Immigration Section within the Malta Police Force, the Detention Services Agency, and the Correctional Services Agency, are also obliged to provide information within their respective contexts, particularly where a detained or imprisoned person may wish to apply for international protection.

Links to information provided in the national context:

Authority/agency: Ministry for Home Affairs, Security and Employment (International Protection Agency) **Title:** Webpage on Ministry's website **Type:** Website **Hyperlinks:** https://homeaffairs.gov.mt/public-bodies/international-protection-agency/ https://www.youtube.com/@InternationalProtectionAgency
Authority/Agency: UNHCR **Title:** How to apply for asylum in Malta - Webpage on UNHCR's website **Type:** Website **Hyperlink:** https://help.unhcr.org/malta/asylum/

Interpretation

Interpretation is provided free of charge by the International Protection Agency for the duration of the administrative stage of the asylum procedure.

Legal assistance and representation

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

Article 4(1)(a)(v) of the International Protection Act states that an applicant must be informed of their right to legal assistance during all phases of the asylum procedure. An applicant may engage the assistance of a lawyer at their own expense for the first instance procedure. This right is also granted in Article 12(1) of S.L. 420.07. Legal assistance is provided free of charge by civil society organisations, such as Aditus Foundation, Jesuit Refugee Service Malta and the Migrants Commission. An applicant has the right to free legal assistance in case of an appeal.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.