

ASYLUM IN MALTA: WHAT YOU SHOULD KNOW

Guide to the asylum procedure for
immigrants in detention



ACCOMPANY SERVE DEFEND



JRS is an international, non-governmental organization, present in over 50 countries worldwide, with a mission to accompany, serve and defend refugees and forcibly displaced people.

This booklet was first published in English and French in November 2006, as part of a project partly funded by ERF(2005) and UNHCR.

This edition, which reflects the changes in law and policy that have taken place since, is available in English, French, Somali and Tigrinya.

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"...It is axiomatic that immigration detainees seeking protection should be fully informed of their rights under the Refugees Act... the delegation heard many complaints in this respect in particular relating to the uncertainty under which they [detainees] were held for prolonged periods of time, as a consequence of lack of information."

Report to the Maltese Government on the visit to Malta carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading treatment or Punishment (CPT) from 18 to 22 January 2004

Introduction

At present, the only government authority providing information about the asylum procedures on a consistent and structured basis is the Office of the Refugee Commissioner. This Office provides asylum seekers with information about their rights and obligations when they are called for their interview.

Before and after this point, little or no information about the procedures is provided to people seeking asylum in Malta. The only exception is a leaflet published by the Ministry of Justice and Home Affairs, given to detained asylum seekers on arrival. This deals mainly with the rights and duties of immigration detainees but also outlines some aspects of the asylum procedure.

In the past few years, much of JRS Malta's work in detention centres has focused on alleviating the very real difficulty asylum seekers face when trying to obtain clear and accurate information about applying for refugee status in Malta.

This booklet is an attempt to provide information in a more accessible format which

does not depend on our presence in detention centres. It explains who is granted protection (refugee status and subsidiary protection) by law, the procedures that are followed to decide who is granted protection and the rights and duties of asylum seekers.

It is our hope that if people are better able to understand the system and how it works, those who really need protection will be better able to obtain it and those who do not need protection will decide not to apply for it, so there will be fewer unfounded applications.

The content of this booklet was formulated by JRS, after discussions with asylum seekers of different nationalities, with the collaboration of UNHCR and a number of people working in the field.

The contribution of all who took the time to read and comment on the text is acknowledged with gratitude.

How to use this booklet

This booklet is divided into sections, with each section describing a different stage of the asylum procedure, to make it easier for you to find the information you require.

It is advisable to read the whole booklet at least once from beginning to end, rather than just reading the sections containing the information you need. Reading the whole booklet will give you a clear picture of the whole procedure and will ensure that, as far as possible, you do not miss out on important information.

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The materials contained in this booklet are provided for general information purposes only and are not intended as a substitute for professional legal advice. You should always seek professional legal advice before acting upon the information contained in this booklet. Although we have done our best to cover everything, we are sure that you will have other questions that need to be answered. Should you require further information you may contact the JRS or UNHCR at the addresses listed on page 36.