

## REPORT ON DIRECT SERVICE PROVISION 2006

### **Aim:**

To provide information to as many asylum seekers as realistically possible and to provide legal assistance according to availability of resources.

### **Expected results:**

- **Increased access to information in as many cases as realistically possible given the availability of resources (300–400 asylum seekers and/or immigrants)**
- **Provision of in-depth legal assistance in a limited number of cases (100–150 cases)**
- **Publication of informational materials for asylum seekers**

### **Staff working on this area of the project:**

At the beginning of the year there were two members of staff, one of whom was a lawyer, working on this project on a more or less full-time basis and a number of volunteers. From August, JRS was able to employ another three members of staff to work on this project: a lawyer who was employed on a full-time basis and two case-workers who work part-time within this project.

### **Results achieved:**

#### **1. Direct provision of information on regular basis in two largest centres**

Since January 2006, JRS staff and volunteers have been present in the **2 largest detention centres** currently in use on a regular (usually **weekly or fortnightly**) basis. Each of these centres accommodates approximately 700 detainees at the height of summer when arrivals are at their peak. The vast majority of these detainees apply for refugee status.

Each visit lasts approximately **4–5 hours** and during this time JRS personnel provide general information about refugee status determination (RSD) procedures and immigration matters. It is impossible to accurately assess the number of detainees to whom JRS has provided generic information; suffice it to say that the two centres in which JRS works on a regular basis **accommodate up to 1400 detainees**.

During visits to the centres JRS staff members also receive requests for information about particular, more specific, issues from individual detainees.

#### **2. Follow up of requests from 875+ individuals**

These requests are followed up with the authorities concerned, usually the Office of the Refugee Commissioner, the Refugee Appeals Board, the Police or the Detention

Service, and (where possible) detainees are provided with a reply on subsequent visits to the centre.

During 2006 JRS **followed up one or more requests for information from over 875 individuals or groups of detainees**. These requests are naturally varied in nature and include requests for:

- Information from the immigration authorities about an individual's release from detention (after 12 months in the case of asylum seekers or 18 months in the case of those whose application is rejected);
- Copies of documents confiscated by the immigration police on arrival in Malta to be presented in the asylum procedures;
- Assistance with obtaining documents from friends and family abroad;
- Information from the authorities responsible for RSD (Refugee Commissioner and Refugee Appeals Board) about the status of an asylum seeker's application.

### **3. In-depth casework in 117 cases**

In addition, JRS also provides more in-depth service in a number of cases, selected on the basis of pre-established criteria.

As part of this project, JRS personnel provide primarily:

- Legal assistance and information **within the context of procedures for the determination of applications for refugee status**.
- Assistance to rejected asylum seekers who need **protection from forced repatriation**, if there is good reason to believe that they would face a serious violation of their human rights if they were to be returned to their country.
- Assistance to **vulnerable asylum seekers** to enable them to access the **protection they require**, including release from detention, in terms of law and government policy.

These cases normally involve meeting with clients, research, writing requests and/or submissions, following up requests with the authorities concerned, attending meetings and/or interviews. As a rule, such cases would take up at least 10 hours of work and often involve far more, up to 50 or 60 hours in some cases.

In line with the aims of this project and the JRS mandate to go **where the need is greatest and where no one else is working**, in providing this service, priority is given to:

- Asylum seekers in detention
- Vulnerable asylum seekers
- Asylum seekers with a protection-based claim

Cases usually come to our attention through our outreach work in the detention centres, however a number are referred to JRS by other agencies and/or professionals working in the field.

Between January and December 2006 JRS staff handled some 106 referrals, often

involving more than one person. Some of these referrals involved work on more than one issue, e.g. a request for release on grounds of vulnerability and assistance with an asylum claim. For the purposes of recording and reporting we would consider this as 1 referral but 2 cases, which explains why the table below lists a total of 117 cases.

As may be seen from the Table 1, cases handled during this period can be roughly divided into three categories:

NATURE OF CLAIM	CLOSED	PENDING	TOTAL
Asylum-related cases	9	50	59
Requests for release from detention	35	8	43
Other	4	11	15
	<b>49</b>	<b>68</b>	<b>117</b>

Table 1

The cases involving requests for release fall within the following categories:

NATURE OF CLAIM	CLOSED	PENDING	TOTAL
Undue length/inability to deport	5	1	6
Release in terms of govt policy	29	7	36
Humanitarian grounds	1		1
	<b>35</b>	<b>8</b>	<b>43</b>

Table 2

Requests for release in line with government policy are based on the following grounds:

NATURE OF CLAIM		CLOSED	PENDING	TOTAL
Vulnerability	Elderly persons	5	3	8
	Disability	9		9
	Medical condition	5	2	7
	Minors	1		1
Family unity/humanitarian grounds		6	1	7
Release at 12 or 18 months		3	1	4
		<b>29</b>	<b>4</b>	<b>36</b>

Table 3

Requests for release are usually addressed either to the Immigration Appeals Board or to the Principal immigration Officer.

The cases listed as 'other' in Table 1 are concerned with family reunification, resettlement, regularization of stay and assistance with legal proceedings.