

Booklet

For Unaccompanied Minors
Who Applied For
International Protection In
Malta For The First Time

WELCOME TO MALTA!



ALL YOU NEED TO KNOW ABOUT THE ASYLUM PROCEDURE





This material has been produced by the International Protection Agency (IPA) in Malta with the graphic design support of the European Union Agency for Asylum (EUAA).

Address: Fafner House, Triq Nazzjonali, Ħamrun, Malta

Tel: +356 21255257

Email:

info@ipa.gov.mt : for general queries and information requests

frontoffice@ipa.gov.mt : for requests for appointments

notifications.ipa@ipa.gov.mt : for notifications of appointments

dublinunit@ipa.gov.mt : for queries related to the Dublin Unit

protection@ipa.gov.mt : for the submission of evidence for your application

Facebook: [@MaltaIPA](https://www.facebook.com/MaltaIPA)

Glossary of Terms

- **Applicant for International Protection/Asylum Seeker:** means a third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken.
- **Beneficiary of International Protection:** means a person who has been granted refugee status or subsidiary protection status.
- **Citizenship:** means the legal bond between an individual and a State, generally acquired by birth or naturalisation.
- **Country of Origin:** means the country of citizenship of a third-country national or, if stateless, the country of former habitual residence of that person.
- **International Protection:** means refugee status and subsidiary protection status.
- **Nationality:** means that quality or character which arises from a person feeling that he/she belongs to a nation or state, generally by virtue of birth in a country, descent from a national of that country or ethnicity.
- **Persecution:** means a severe violation of basic human rights.
- **Refugee:** means a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside his or her country of origin and is unable or, owing to such fear, is unwilling to avail himself/herself of the protection of that country, and who is not excluded from refugee status.
- **Return:** means the process of a third country national or stateless person going back to his/her country of origin, whether voluntary or forced, assisted or spontaneous. The return can also entail going back to a country of transit or another third country under certain conditions.
- **Stateless:** a person who is not considered as a national by any State under the operation of its law.
- **Subsidiary Protection Status:** means the recognition of a person as being eligible for subsidiary protection (for example a person who does not qualify for refugee status but in respect of whom substantial grounds have been shown for believing that he/she, if returned to his/her country of origin, would face a real risk of suffering serious harm, and who is not excluded from subsidiary protection status).

Acronyms

- **IPA: International Protection Agency;** the Maltese determining authority that will examine your application for international protection.
- **IPAT: International Protection Appeals Tribunal;** the Maltese appeals or second-instance body who will examine your appeal against the IPA's decision.
- **AWAS: Agency for the Welfare of Asylum Seekers**

Contents

Page

What will I find in this booklet?.....	5
What does being an unaccompanied minor mean?.....	6
I've been referred to AWAS as a declared unaccompanied minor, what's the next step?.....	7
Family tracing.....	8
What are my rights?.....	9
The asylum procedure.....	11
1. Making and Registering an Application for International Protection.....	11
2. Lodging an Application for International Protection.....	14
3. Determination of the Member State Responsible.....	21
4. Your Personal Interview.....	23
5. Assessment of the Application.....	28
6. The Decision.....	29
Other Entities involved in Asylum and Migration.....	38
Annex 1: Flowchart of the Asylum Procedure.....	40

What will I find in this booklet?



This booklet will explain:

- What international protection means
- How the asylum procedure works
- What you can do and what you have to do during the asylum procedure

This booklet has been created by the International Protection Agency (IPA) to help you understand the asylum procedure. If something is unclear, or you need more information, ask for assistance from the International Protection Agency:



Send an e-mail to info@ipa.gov.mt



Call +356 21255257



Your representative or other personnel working in your reception centre can also provide more information



What does being an unaccompanied minor mean?



In Europe, by law, **every person under the age of 18 is considered a minor (adolescent or child)**. If you are under the age of 18, and arrived in Malta alone (for example without being accompanied by your parents or a legal guardian), the authorities will refer to you as an **'unaccompanied minor'**. If that is the case, you will receive support and assistance to make sure that your rights as a minor are respected.

As an 'unaccompanied minor' you have the right to be appointed with a representative, who is legally responsible for ensuring your best interests and who will assist you during the asylum procedure.

In Malta, all unaccompanied minor asylum seekers are under the care of AWAS (the Agency for the Welfare of Asylum Seekers).



If you arrive in Malta unaccompanied by your parents or legal guardian, but you are being taken care of by another relative, for example, your uncle or adult brother or sister, the authorities will still consider you as an 'unaccompanied minor' and refer you to AWAS. However, your relative may apply for a court order, through the services of a lawyer, to be appointed as your representative, including for the asylum procedure. Please seek further guidance on this from AWAS.

I've been referred to AWAS as a declared unaccompanied minor, what's the next step?



AWAS is the Agency responsible to determine if you are of minor age or not. They may decide to ask you to undergo an **age assessment**, if for example you do not have documents to prove your age, like a birth certificate or passport, or there are doubts about your age. It is important for AWAS and IPA to know whether you are a minor or not, and that is why an age assessment is conducted.



If the outcome of the age assessment is negative (for example it is concluded that you are of adult age), and you do not agree with this outcome, you have the right to file an appeal with the Immigration Appeals Board in accordance with the modalities listed in the leaflet given to you by AWAS. If you appeal, and your appeal is rejected by the Immigration Appeals Board, your date of birth for the Maltese authorities, and for all official purposes in Malta, including your application for international protection, will be the one as determined by AWAS' age assessment.



If the outcome of your age assessment is positive and you are confirmed to be of minor age, you will be called by the International Protection Agency to continue the asylum procedure and lodge your application in the presence of your representative.



Your representative will be responsible for you throughout the asylum procedure. He or she will sign legal documents on your behalf and accompany you to your appointments at the IPA; including to lodge your application for international protection, to your personal interview and eventually to be notified of the decision on your application. Throughout the asylum procedure, he or she will help you make decisions and consult you to determine together which course of action is in your best interests. **Your representative's objective is to make sure that your rights as a minor are respected, and that your needs throughout the asylum procedure are met.**

If anything bothers you, speak freely with your representative. You can trust him/her!

AWAS SOCIAL WORKERS

AWAS has a team of social workers dedicated to minors. These social workers are trained to work with minors and will support you in various situations. For example, they will guide you through the asylum procedure and accompany you to your appointments. AWAS social workers will also help you register for school or vocational training and/or get an employment license.



Family tracing



If you don't know where your family is, there are legal ways to start looking for them. Inform your representative as soon as possible or tell the staff at the place where you are accommodated. They will contact the **Red Cross**. People working for the Red Cross will meet you and ask about the details of the family members you are looking for. The Red Cross has a lot of experience and offices all over the world to help minors like you find their parents or other family members. If you have a family member's phone number and would like to contact him/her, the Red Cross can help you make a call. Visit: www.redcross.org.mt for more information.

FAMILY REUNIFICATION IN EUROPE

If your parents, siblings or relatives (for example your adult aunt, uncle or grandparent) are living in another European country, you may request to be reunited with them. Read more about family reunification within the Determination of the Member State Responsible chapter on page 21.

What are my rights?



FREEDOM OF OPINION – Everyone has the right to their own **culture, religion and opinions, and to express them freely**. These rights are protected in Malta.



INFORMATION – You have the **right to be informed** about the asylum procedure and about your rights and obligations as an asylum seeker in a language you understand or are reasonably supposed to understand. If you need more information about the asylum procedure, please contact the International Protection Agency. Otherwise, you may also go to the closest office of the Migrant Advice Unit (MAU); you will find one in each AWAS reception centre.



PROTECTION – As a minor, you have the right to feel safe and taken care of. In Europe, international protection can also be referred to as “**refugee protection**”, “**asylum**”, or “**subsidiary protection**”. You have the right to apply for international protection, which means you can make an “**asylum application**”. During the asylum procedure, the International Protection Agency will look at your asylum application. They will ask you questions to learn more about your situation and decide if you need international protection or if other options are available for you.



WORK – If you are 16 years old or older, you have the **right to access the labour market** after the lapse of 9 months from the date of lodging of your application and provided that you are still an asylum seeker. Without prejudice to this, and subject to the applicable policies in place, access to the labour market might be granted before this timeframe. For further information about how to work in Malta, please speak with your social worker or the AWAS MAU.



EDUCATION – You have the **right to go to school**. In Malta, education is compulsory for everyone under the age of 16. Your representative will help you enrol in a public school. You can find out more about education opportunities from your social worker or the AWAS Migrant Advice Unit (MAU).



INTERPRETATION – You have the **right to be assisted by an interpreter**. An interpreter is a person who will help you communicate with the authorities by interpreting what you say and what you are being told. If you do not speak English or Maltese (the two official languages in Malta), there will always be an interpreter to help you communicate with the authorities. If you prefer having a male or female interpreter, depending on who you feel more comfortable and safer with, you can make a request to the IPA. The Agency will consider your request and, if deemed justified, will try to accommodate it.



ACCOMMODATION AND RECEPTION CONDITIONS – You have a **right to live in a place that is safe and appropriate for minors**. You will receive food and medical care. If you feel emotionally unwell, for example if you are worried, sad or anxious, inform the people working in your reception centre: they will help you talk to someone who can support you.



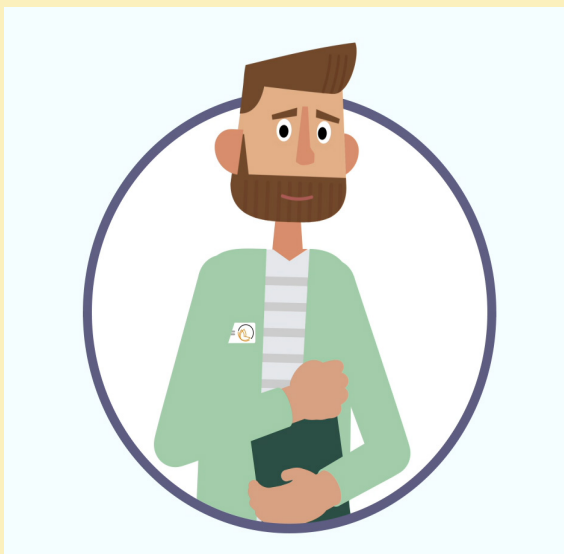
LEGAL ADVICE – You have the **right to consult a lawyer** before and during the asylum procedure. Please note that a lawyer will be against payment, unless you contact a local NGO that provides legal service free of charge. You do not have the right to free legal aid provided by the State during the administrative stage of the asylum procedure. However, free legal assistance will be provided in case of an appeal against the IPA's decision.

The Asylum Procedure

1. Making and Registering an Application for International Protection

When you express your wish to apply for international protection this is called the **making of your application**. If you first express your wish to apply for international protection in Malta to the International Protection Agency, we will **register your application** in our database, and ask you for your basic information, e.g., your name, country of origin and date of arrival in Malta. An IPA officer at Front Desk will also take your photo and will issue a **Personal Details Form for you (see figure 1)**.


This document will show that you have applied for international protection in Malta and are legally staying here. You will also receive a unique number linked to your asylum application, which is called a **RefCom number**. It is important to use this number whenever you want to ask the IPA a question about your application.



After your Personal Details Form has been issued, the IPA will refer you to AWAS, the Agency responsible for establishing your age, and if you are confirmed to be an unaccompanied minor, you will be assigned a **representative**. Once these two steps are complete, the IPA will give you an appointment, together with your representative, to **lodge your application** for international protection. Once your application has been lodged, you will be issued with an Asylum Seeker's Document, which will replace the Personal Details form you were given at the start of the asylum procedure.

Your representative will assist you during the entire asylum procedure.

Figure 1. Personal Details Form



INTERNATIONAL
PROTECTION
AGENCY
MALTA

PERSONAL DETAILS FORM

DATE OF ARRIVAL AT IPA	
REFCOM NUMBER	
POLICE NUMBER	
SURNAME	
NAME	
DATE OF BIRTH (DD/MM/YYYY)	
PLACE OF BIRTH	
VILLAGE/TOWN/CITY and REGION	
COUNTRY OF BIRTH	
COUNTRY OF ORIGIN	
ADDRESS IN MALTA	
House/Apartment number	
Street name	
Locality	
MOBILE NUMBER IN MALTA	
DATE OF ARRIVAL IN MALTA	
(DD/MM/YYYY)	
LANGUAGES SPOKEN FLUENTLY	
DATE OF APPOINTMENT	

Please note that this form is only valid until _____

It is mandatory to present this form for your appointment.

Should you have any documentation relevant for your application, kindly bring it with you on the day of your appointment.

Fafner House, Triq Nazzjonali, Hamrun, HMR 9011 | +356 21255 257
info@ipa.gov.mt

ipa.gov.mt



Remember: in the meantime, you cannot apply for asylum in another country or leave Malta while your application is being processed.

You may have expressed your wish to apply for asylum to another government entity and not to the IPA directly. This means that you would have **made your application** for international protection with either the Immigration Police, prison authorities (if you are in prison), or detention services (if you are in detention). They are responsible to refer you both to AWAS, because you declared to be an unaccompanied minor, and to the IPA, because you declared that you want to apply for asylum.

If you are in prison or in detention, you will not be issued with a Personal Details form or an Asylum Seeker's Document, if your application has been lodged, until you have been released.

2. Lodging an Application for International Protection

If your age assessment determines your age to be under 18, the IPA will proceed with the lodging of your asylum application as an unaccompanied minor and in the presence of your representative. You will have a short meeting (around two hours) with an IPA officer to assist you with lodging your application for international protection. This means that you will be asked questions to fill in an Application Form. It is very important that you answer the questions honestly.

Mainly, the questions will be about:

- Your identity (who you are) and nationality (where you come from);
- Your family members, and the place where they have lived or are currently living;
- Your journey from leaving your country of origin to arriving in Malta; and
- The reasons why you left your country and cannot go back.

When answering these questions, it is important to be honest and give as much detail as possible. If you cannot remember specific information such as a date, you may say so and explain why you cannot remember these details.

Documents

If you have documents relevant for your application, like a passport or other documents proving your identity, or documents substantiating your need for international protection, you need to bring them with you to your appointment.





Information

The information recorded in your Application Form will be stored and examined later, together with the information that you provide during the personal interview. For this reason, it is very important to be consistent in the information you provide to this Agency.

Please keep in mind that information provided in the Application Form is legally binding and cannot be changed after the lodging of your application. For example you need to decide how you wish your name and surname to be spelt legally in Malta. The only exception to this, is if you realise you made a mistake in your personal details, and you provide a relevant identification document in original format issued by your country of origin (for example a passport or national identity card) to the IPA, you can file a change of details request on this basis.



It is very important to keep the Application Form somewhere safe because it might be requested by other entities in Malta.

You have a right to conduct the meeting in a language that you can understand, **with the support of an interpreter**. If you do not understand or do not feel comfortable with the interpreter assigned to you on that day, let your representative and the IPA officer know. IPA staff will try their best to find another interpreter.



Figure 2. Application Form (first page)



**INTERNATIONAL
PROTECTION
AGENCY**
MALTA

APPLICATION FORM FOR INTERNATIONAL PROTECTION

Section 1 – Personal Details and Background Information

REMARKS	
REFCOM NO.	[Title]
Police ID NO.	[Police_Number]
REFCOM NO. OF RELATIVES IN MALTA AND RELATION	[Spouse] [Siblings] [Children] [Father] [Mother]
ADDRESS	[Address], [Address_Street], [Address_Locality] [Post_Code]
CONTACT NO.	[Contact_No]
PLACE OF LODGING OF APPLICATION*	
DATE OF LODGING OF APPLICATION*	Click or tap to enter a date.

I. PERSONAL DETAILS OF THE APPLICANT

FAMILY NAME	[Surname]	NAME	[Namee]
GENDER (F/M/X)	[Gender]	ETHNIC GROUP OR TRIBE/CLAN/CASTE	
DATE OF BIRTH	[Date of Birth]	PLACE OF BIRTH	[Place of Birth] < SPECIFY >
COUNTRY OF ORIGIN	< SPECIFY >	IF STATELESS, COUNTRY OF FORMER HABITUAL RESIDENCE	< SPECIFY >
NATIONALITY	[Nationality]	CITIZENSHIP AT BIRTH & AT PRESENT	
MOTHER TONGUE		OTHER SPOKEN LANGUAGES	
EDUCATIONAL BACKGROUND		PROFESSION/OCCUPATION	
ABLE TO READ	Choose an item.	ABLE TO WRITE	Choose an item.
RELIGION INCLUDING DENOMINATION		PLACE OF LAST HABITUAL RESIDENCE IN COUNTRY OF ORIGIN	

II. FAMILY BACKGROUND

Date:

794, International Protection Agency, Fafner House,
Triq Nazzjonali, Hamrun HMR9011

info@ipa.gov.mt

Page: 1

ipa.gov.mt



If you are 12 years old or older, the IPA will apprehend your fingerprints in order to determine whether you have ever applied and/or been granted any VISA from any European country.

If you are 14 years old or older, apart from the apprehension of fingerprints by the IPA, you will also be requested to provide your fingerprints to a EURODAC officer in order to determine whether you have ever entered and applied for asylum in another EU Member State. A refusal from your side to have your fingerprints apprehended by either the IPA or the Eurodac office, will be considered as a failure to provide information essential for your application and will result in your application being discontinued as implicitly withdrawn by the IPA.

Once your application has been lodged, you will be issued with a document named an **Asylum Seeker's Document (ASD)** with your photo on it. This document is proof that you are an asylum seeker in Malta and that you are entitled to all the rights emanating from this status, including the right to remain in Malta pending a decision on your application for international protection. It is very important that you keep this document safe and that you **always keep it with you**.




If you lose this document, you will be requested to present a Police Report in order for the IPA to issue a new one.



REMINDER: you should take note of the expiry date written on your Asylum Seeker's Document and make sure to contact the International Protection Agency to get your document renewed one week before or on that date.

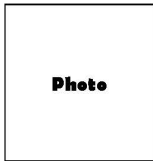
If you change your telephone number or address, please make an appointment to inform the International Protection Agency and have your ASD re-issued at Front Desk with the correct details.

Figure 3. Asylum Seeker's Document



ASYLUM SEEKER'S DOCUMENT

This is to certify that the bearer of this certificate is an **ASYLUM SEEKER** after having made an application for international protection with the International Protection Agency.




Photo

Refcom No. XXXXX

This document expires on DD/MM/YYYY
and is not valid unless renewed.

Prepared by



CEO (IPA)

The asylum seeker is therefore to be accorded all the **protection and rights** as per Maltese Law. The asylum seeker on the other hand, is binding himself/herself to **respect Maltese Law and all duties as expected of him/her**.

The asylum seeker must always **inform this Agency** of any change of address or telephone numbers. It is imperative that this Agency is always in a position of making contact with the asylum seeker.

This certificate must be renewed on the day of expiry. Failure to renew this document on the date of expiry may lead to the implicit withdrawal of the application for international protection in accordance with Article 13 of Subsidiary Legislation 420.07.

The certificate is not valid after the date of expiry indicated above and is valid only in its original form.

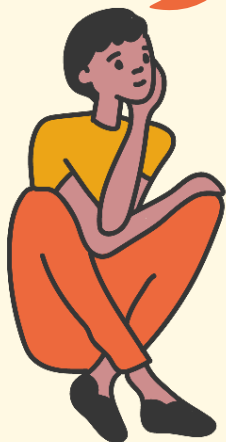
Personal details given are **as declared by the asylum seeker** and not official. Any query as to the holder's status in Malta should be directed to the **International Protection Agency**.

Mr/Mrs	[Surname], [First Name]
Date of birth	[Date of birth]
Place of birth	[Place of birth], [Country of Birth]
Nationality	[Nationality]
Residing	[Address], [Address Street], [Address Locality]
Telephone number	[Contact No]
Police No	[Police No]
Refcom No	XXXXX
Application for international protection made	[Making of Application Date]

Fafner House, Triq Nazzjonali, Hamrun, HMR 9011 | +356 21255 257
info@ipa.gov.mt

ipa.gov.mt

I have my passport or a different form of identification with me, what should I do with it?



You are obliged by law to give any document in your possession, including original identity or travel documents, to the International Protection Agency. If you have these documents with you and you do not submit them to the International Protection Agency, your application could be discontinued as implicitly withdrawn because you failed to provide the Agency with information essential to your application.

If for a valid reason you need access to your national passport during the asylum procedure, you can make a request to have it returned to you for a maximum of five days. You can do this by making an appointment with the IPA by calling **+356 21255257** or by sending an appointment request to **frontoffice@ipa.gov.mt**

The IPA officers may ask for documentation to substantiate your request.

Can I leave Malta and go to another country before receiving the decision on my application for international protection?



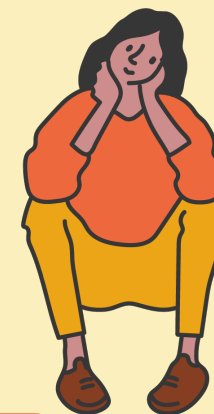
As an asylum seeker, you have a legal obligation to remain on Maltese territory and available to the competent authorities for the whole duration of the asylum procedure. If you abscond from Malta your application will be discontinued as implicitly withdrawn. If Malta has been designated as the Member State responsible for examining your application in accordance with the Dublin Regulation and you abscond and apply for international protection in another EU Member State or Schengen Associated country, you will be transferred back to Malta in accordance with EU law.

Abandoning your application in Malta will not change the country responsible for your application.

What happens if I change my address or my phone number?

If you change your contact details (the place where you live or your telephone number), you must immediately inform the International Protection Agency so that your records can be updated and you can be contacted in order to notify you about any upcoming appointments, including for your personal interview, if applicable. You can do this by making an appointment (by calling **+356 21255257** or by sending a request for an appointment to **frontoffice@ipa.gov.mt**) and informing the IPA officer at the Front Desk.

Remember that the IPA Front Desk has interpreters who will help you communicate fluently.



Remember: if the IPA attempts to contact you and cannot reach you, the Agency may conclude that you have absconded and proceed with the discontinuation of your application as implicitly withdrawn.

What will the IPA do with my information?

All information concerning your application for international protection shall be processed in accordance with the applicable data protection regulations and will remain confidential. In particular, no information concerning your application shall be disclosed to the alleged actor of persecution or serious harm.

3. Determination of the Member State Responsible



The Dublin Unit will check if Malta is the country responsible to examine your application for international protection

One of the Dublin Unit's roles is to identify and assist you in reuniting you with your family members, in case they are somewhere in Europe and you request to be reunited with them.

During the lodging of your asylum application, **it is very important that you tell the IPA officer everything you know about your family members' whereabouts** and give details on their place of residence and their legal status at their current residence country. If you have their phone numbers, addresses or other contact details, make sure you inform the IPA officer. If you have family members residing in another EU Member State or Schengen Associated country, you will be called for a meeting with the Dublin Unit.


At such meeting it is very important that you provide the phone number, address and residence documents of your family members who are residing in another EU Member State or Schengen Associated country, as well as any documents substantiating the family link, such as certificates issued by your country of origin noting the composition of your family.




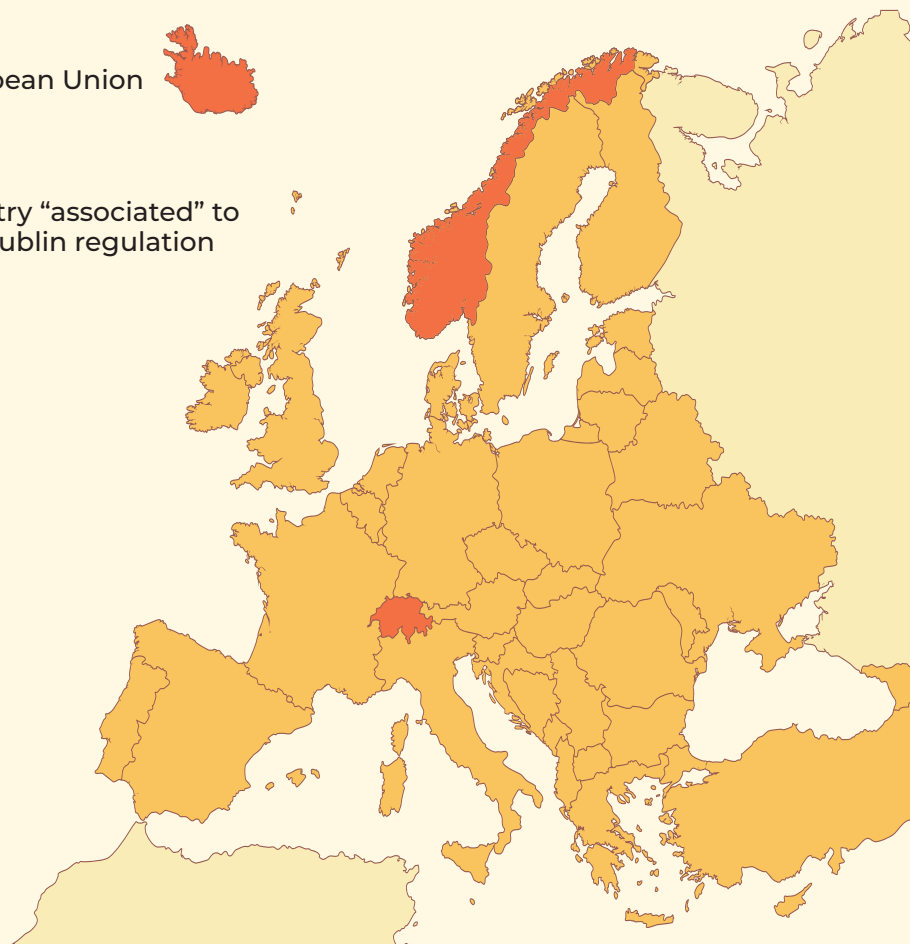


The authorities and your representative will ask for your opinion and consider what is best for you. In taking the decision on whether to transfer you to another European country, the authorities will consider **your best interests**. This means that they will examine your needs and decide whether your family member living in another EU Member State or Schengen Associated country is able to support you and provide for all your needs.

The map shows the countries that are part of the Dublin Regulation.

 European Union

 Country "associated" to the Dublin regulation



If you need to get in contact with the Dublin Unit, you may send them an email on dublinunit@ipa.gov.mt indicating your RefCom no.



4. Your Personal Interview

If Malta is responsible for the examination of your asylum application, you will be invited for an interview accompanied by your representative, unless by the time you are requested to come for the personal interview you have turned 18 years old and are therefore an adult. **Your personal interview is a very important step in the asylum procedure. During this interview, you are given the opportunity to explain in detail why you left your country of origin and applied for international protection in Malta, and why you cannot return to your country of origin.** You will be interviewed by an IPA officer working with the International Protection Agency.

On the day of your interview, you should arrive on time. Failure to do so may lead to your interview being cancelled.



FOOD AND DRINK – Interviews can last several hours, and it is recommended that you bring food and drink with you. Keep in mind that the length of your interview will not affect the outcome.



MOBILE – Your mobile phone must be switched off for the duration of the interview.



BREAK – During the interview you can always request a break if you feel tired, stressed, emotional or you need to go to the bathroom.



INTERPRETER – If the IPA officer does not speak your language, you will also be provided with an interpreter to ensure proper communication. The interpreter is an independent and impartial professional whose sole duty is to provide a complete and accurate interpretation of everything that will be said during the interview between you and the IPA officer. **Interpreters are not involved in assessing your application, and neither are they allowed to assist you or answer further questions you might have outside of the interview room.** They are the means through which you and the IPA officer can communicate.



CHANGE OF STAFF – If you feel intimidated or shy discussing certain aspects of your need for international protection with your IPA officer or interpreter due to their sex, **you can ask for one of them, or both, to be changed, if this can help you fully express yourself.** In such an eventuality, you need to promptly inform the IPA staff and explain the reason(s) for your request. Provided that your reason is deemed justified by the Agency, we will try to accommodate your request, where possible.



ALL INTERVIEWS ARE AUDIO RECORDED – All interviews are audio recorded. A written record of everything said during the interview, called an interview transcript, is also created. You will be given a copy of this document along with your decision.



CONFIDENTIALITY – All information you provide during the personal interview shall remain confidential. In particular, no information concerning your application shall be disclosed to the alleged actor of persecution or serious harm.

What questions will they ask me?



The IPA officer will ask you questions about your story. It is important that you are truthful and cooperate at all times by providing as much detailed information as possible. Amongst other things, the IPA officer will ask you questions about:

- Your identity;
- The reason(s) why you left your country of origin;
- The reasons why you don't want to, or cannot return to your country of origin;
- The reasons why you could not find safety in a different part of your country of origin; and
- The risks you would face if you were to return to your country of origin.

WHEN YOU ARE TELLING YOUR STORY, YOU SHOULD:



- Always **tell the truth** and give as much information as you can. It is important that you clearly explain to the IPA officer why you left your country of origin and why you do not wish to return back.
- **Listen** to the IPA officer's questions and make sure that you are answering the questions he/she is asking.
- **Ask for clarifications** if you are unsure about what exactly the IPA officer is asking.
- Try to **tell your story in chronological order**; this will make it easier for the IPA officer to follow you and avoid possible misunderstandings.
- If you cannot remember some details, like the exact date of an event, you can think about how old you were when the event took place or what time of year it was, and give the IPA officer this information instead.

Do I have the right for legal assistance during the interview?



You have the right to be accompanied by a lawyer to your personal interview. However, you are not entitled to free legal assistance at this stage of the procedure. This means that should you wish to be assisted by a lawyer, you'll either have to pay for such a service by contacting a local legal firm or lawyer, or else contact a local NGO that provides legal support. Please keep in mind that only one lawyer is allowed to accompany you to your interview. The necessary arrangements to be assisted by a lawyer shall be made prior the date of the personal interview. If the lawyer fails to show up for your personal interview, the IPA has the right to still proceed with the interview.



What if I am unable to attend my interview?

If you are unable to attend your personal interview due to circumstances beyond your control (for example due to illness), please inform your representative or the IPA as soon as possible and by no later than 8:00 am on the day of your appointment, **by sending an e-mail to frontoffice@ipa.gov.mt**

You will have to provide evidence to substantiate your absence, for example, a medical certificate. If the IPA considers this reason to be justified (for example beyond your control), you will be given another appointment. However, if you do not show up to your appointment or do not provide a valid justification for your absence, the Agency will proceed to discontinue your application as implicitly withdrawn. This entails that you are no longer an asylum seeker in Malta.

If I am medically unable to be interviewed, is it possible that my application will be decided without an interview?

Yes, if you are unfit or unable to be interviewed owing to enduring circumstances beyond your control, such as a disability or a severe health issue, the International Protection Agency may waive the requirement for an interview to be held and proceed to take a decision on the basis of the available information. Before deciding to waive the requirement for a personal interview, the International Protection Agency will always ask for the submission of medical documentation to substantiate your medical condition.



Can I be called for further questioning?

Yes, if the International Protection Agency needs additional information, or would like to clarify some of the information that you provided during your personal interview, you may be called for further questioning. The same procedures for the personal interview, including if you are absent without a valid reason, also apply in case you are called for further questioning.



IMPORTANT: if you have any concerns (for example you don't understand a question, or you don't understand the interpreter, or you are not feeling well), let the IPA officer know immediately.

5. Assessment of the Application

Following your personal interview, the IPA will proceed with examining your application for international protection to determine whether you meet the eligibility criteria to be granted refugee status or subsidiary protection status. During this period, the IPA officer examining your application will take into account all relevant information at his/her disposal, including your oral declarations, any documentary evidence you might have submitted and relevant and available country of origin information.

In the eventuality that the IPA officer determines that you do not qualify for international protection, he/she will check whether you meet the criteria to be granted **Temporary Humanitarian Protection**, a national form of protection that can be granted in specific situations (see page 31 for further information on Temporary Humanitarian Protection).

6. The Decision



Once a decision on your application has been taken, you will be given an appointment to come and collect it from the International Protection Agency. Your representative will accompany you for this appointment. When notifying you of the outcome of your application, the officer from the International Protection Agency **will give you:**

- The decision paper, including details on your right to appeal, as applicable;
- The transcript of your personal interview and any further questioning, as applicable (for example a transcript of the questions that were asked by the IPA officer during your personal interview and your answers); and
- The assessment report with the reasons that led to the decision.

However, if you receive an inadmissibility decision, you will only receive the decision paper.

What are the possible outcomes of my application for International Protection?

You may receive a decision that will lead to you being granted protection in Malta:

1. You are granted Refugee Status
2. You are granted Subsidiary Protection Status
3. You are granted Temporary Humanitarian Protection Status



What happens if I am granted refugee status or subsidiary protection status?

This is a **positive decision**, which means that you have been recognized as a **beneficiary of international protection**, meaning **Refugee Status** or **Subsidiary Protection Status**, and you will continue to have the right to reside in Malta. You will be issued an **IPA Protection Certificate**, valid for three years, indicating your status as a beneficiary of refugee status or subsidiary protection status.



Please note that while the renewal date is listed on your protection certificate, it is your obligation to ask the IPA for an appointment to renew your protection certificate on the indicated renewal date, and in any event, before your protection certificate expires, by emailing frontoffice@ipa.gov.mt

Once your protection certificate is issued, you may go to **Identità** to apply for a residence permit on this basis.

The full scope of your rights and obligations will be communicated to you together with the decision.

What happens if I am granted Temporary Humanitarian Protection?


If you are granted **Temporary Humanitarian Protection (THP)**, this means that your application did not meet the criteria to be granted Refugee Status or Subsidiary Protection Status, so you received a negative decision on your application for international protection. However, in view of your particular circumstances, the IPA has granted you THP, a national form of protection. The granting of THP is decided on a case-by-case basis and may be granted to failed asylum seekers who fall under one or more of the following grounds:



- An unaccompanied minor who cannot be returned to his country of origin pursuant to the principle of the best interests of the child;
- An individual who is terminally ill or suffers from a severe or life-threatening medical condition that cannot be treated in his/her country of origin, or if treatment is available, he/she would not have access to it; or
- A person who cannot be returned due to other humanitarian considerations. Such considerations may include cases of serious disability that significantly affect the person's ability to conduct a normal life.

It is important to bear in mind that the granting of THP or otherwise is at the sole discretion of the IPA, meaning that the IPA has no legal obligation to grant this national form of protection.

Figure 4. Protection Certificate



INTERNATIONAL
PROTECTION
AGENCY
MALTA

Protection Certificate


Photo

Beneficiary's Details

RefCom number – [Title]
Police number – [Police Number]
Surname – [Surname]
Name – [First Name]
Gender - [Gender]
Date of birth – [Date of Birth]
Place of birth – [Place Birth]
Country of birth – [Country of Birth]
Nationality – [Nationality]
Type of Protection – [Type of Card]

Certificate Details

Date of Issue –
Valid from – [Valid From]
Expiry date – [Valid To]
Renewal date – [Renewal Appointment]



CEO (IPA)

Fafner House, Triq Nazzjonali, Hamrun, HMR 9011 | +356 21255 257
info@ipa.gov.mt

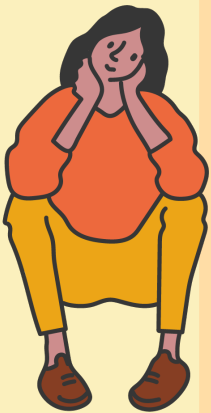
ipa.gov.mt



If you receive a decision that will not lead to you being granted any form of status in Malta:

- Your application is rejected
- Your application is rejected as manifestly unfounded

The IPA has rejected my application for international protection. What does this mean?



If, having assessed all the information that you have provided, including your oral declarations, any documentary evidence you submitted and relevant and available country of origin information, the IPA concludes that you are not in need of international protection, **your application will be rejected**. You may be granted Temporary Humanitarian Protection **but you have also received a rejected decision on your application for international protection** which means you are a failed asylum seeker.

What does it mean if my application is rejected as ‘manifestly unfounded’?

Your application shall be rejected as manifestly unfounded if the IPA determines that you are not in need of international protection and you fall under one or more of the following grounds:

- In submitting your application and presenting the facts, you only raised issues that are not relevant to the examination of whether you qualify for international protection;
- You come from a country considered as a safe country of origin by the Maltese authorities;
- You have misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to your identity or nationality that could have had a negative impact on the decision;
- You have made clearly inconsistent and contradictory, clearly false or obviously improbable representations which contradict sufficiently verified country of origin information, thus making your claim clearly unconvincing in relation to whether you qualify as a beneficiary of international protection;
- You introduced a subsequent application that was deemed admissible following a preliminary examination;
- You entered Malta unlawfully or prolonged your stay unlawfully and, without good reason, either did not present yourself to the authorities or did not make an application for international protection as soon as possible, given the circumstances of your entry;
- You refused to comply with your obligation to have your fingerprints taken in accordance with the Eurodac Regulation; or
- There are serious reasons to consider you a danger to the national security or public order of Malta, or you have been forcibly expelled for serious reasons of public security or public order under national law.

If the IPA rejects your application as 'manifestly unfounded' this decision will be automatically reviewed by the International Protection Appeals Tribunal within 3 working days from the date of the IPA's decision. Following this review, the IPAT will issue a decision either confirming the IPA's decision or overturning it. The IPAT's decision shall be final and not subject to any form of appeal.



What if I am not in agreement with the IPA's decision on my application?



If you do not agree with the decision of the IPA to grant you subsidiary protection status or to reject your application for international protection, you can submit an appeal to the **International Protection Appeals Tribunal**.

It is very important to note that you can appeal your decision on your application for international protection even if you are granted Temporary Humanitarian Protection. During appeal proceedings you will have the possibility to explain, through written submissions why you disagree with the IPA's decision and why you feel the decision should be changed. Your representative will help you with this.

During appeal proceedings you are entitled to free legal aid. This means that if you are not already being assisted by a lawyer, or you do not have sufficient means to pay for a private lawyer, **you have the right to request a free legal aid lawyer** who will assist you throughout the appeal process. The IPAT will guide you on how to request the services of a legal aid lawyer, where you may have to show that you lack the means to hire a lawyer at your own expense. The lawyer will listen to your story, gather the necessary information and file written submissions on your behalf indicating why the IPA's decision should be overturned.

You can only be represented by one lawyer at any point in time, so make sure that you do not request help from a legal aid lawyer and a private lawyer or an NGO lawyer at the same time. If you submit an appeal, after being issued with a negative decision by the IPA, you are still considered to be an asylum seeker until the International Protection Appeals Tribunal takes a final decision on your application. This means that you will be provided with a document by the IPAT attesting to the fact that you are still an asylum seeker in Malta.

If you received a negative decision on your application for international protection, but you have been granted Temporary Humanitarian Protection, you will not be issued with a document by IPAT whilst you are in the appeal process as you already have a protection certificate.

Can I submit a second appeal?

The IPAT's decision is final and not subject to any further appeals.



What if a final decision has been taken on my application for international protection but I have new evidence about my need for international protection?

In such an eventuality, you can file a subsequent application for international protection. When **making a subsequent application**, you need to clearly indicate in writing facts and provide evidence which justify this procedure. Furthermore, a subsequent application will only be considered on the presentation of new elements or findings, relating to the examination of whether you qualify for international protection, and which you could not have been aware of or could not have submitted.



In order to file a subsequent application, you, or your lawyer, should send an email to:

subsequent.application@ipa.gov.mt

Alternatively, if you wish to submit your subsequent application in person please make an appointment to come to the IPA's Front Desk directly. **Please submit all evidence to support your need for international protection with the subsequent application form.**

If, following a preliminary examination, the IPA concludes that your subsequent application is admissible according to law, this will be further examined on the merits and you will be invited for a personal interview at a later date.

For first subsequent applications, you will receive an ASD upon the lodging of such application. However, when making a second, or further, subsequent applications you will only be entitled to an ASD if that subsequent application is deemed admissible.

Other Entities involved in Asylum and Migration

Government entities

Agency for the Welfare of Asylum Seekers (AWAS)

(Manages reception centres and welfare-related services)

Tel: +356 25687237

Email: awas@gov.mt

Web: awas.gov.mt



For more information about the services provided by AWAS, including on how you can request accommodation in an open centre or other reception conditions, and your eligibility or otherwise for these services, you can contact AWAS by phoning on +35625687237 or by visiting the Agency's front office located at the Initial Reception Centre, Xatt il-Mollijiet, Marsa, between Monday and Friday from 8:30a.m. till 12:30p.m.

Immigration Appeals Board

(Hears appeals concerning detention orders and removal orders)

Address: 15, 1st Floor, City Gate Buildings

Tel: +356 25689000

Email: immigrationappealsboard@gov.mt

Web: homeaffairs.gov.mt

Legal Aid Malta

(Free legal representation)

Address: 188-189, Triq l-Ifraan Il-Belt, Valletta

Tel: +356 22471500

Email: info.legalaidmalta@gov.mt

Web: legalaidmalta.gov.mt

Facebook: [@legalaidMT](https://www.facebook.com/legalaidMT)

Returns Unit

(Coordinating returns to third countries)

**Address: 28/12, Vincenti Buildings,
Strait Street, Valletta, Malta**

Tel: +356 25689777/+356 99131777

Email: returns@gov.mt

Facebook: Voluntary Return Malta



Immigration Police

(Controls points of entry)

**Address: Police Headquarters, Pjazza San
Kalcidonju, Floriana, Malta**

Tel: +356 21224001

Web: pulizija.gov.mt



International Protection Appeals Tribunal

(Hears appeals of decisions issued by the International Protection Agency)

Address: 15, 1st Floor, City Gate Buildings, Ordinance Street, Valletta, Malta

Tel: +356 25689442 and 25689443

Email: ipat@gov.mt

Web: homeaffairs.gov.mt

Other relevant entities providing services related to asylum and migration:

United Nations High Commissioner for Refugees (UNHCR)

(Support for protection-related matters and durable solutions)

Address: 'The Dolphins' Triq Sir Ugo Mifsud Ta' Xbiex, XBX 1433

Tel: +356 2248 9400

Email: mtava@unhcr.org

Web: unhcr.org/mt/

Facebook: [@unhcrmalta](https://www.facebook.com/unhcrmalta)



International Organization for Migration (IOM)

(Protection and assistance to migrants, assisted voluntary return and reintegration – AVRR & other projects)

Address: Apt. 2, De Vilhena Residence, Trejget il-Fosos, Floriana, Malta



Tel: +356 21374613

Email: iommalta@iom.int

Web: malta.iom.int/

Facebook: [@IOMinMalta](https://www.facebook.com/IOMinMalta)

Office of the Ombudsman

(Investigates complaints against government agencies)



Address: 11, Triq San Pawl, Valletta, Malta

Tel: +356 2248 3200

Email: office@ombudsman.org.mt

Web: ombudsman.org.mt

Facebook: [@ombudsmanmalta](https://www.facebook.com/ombudsmanmalta)

Annex 1: Flowchart of the Asylum Procedure in Malta

