

Migration in Malta

COUNTRY PROFILE 2015



International Organization for Migration (IOM)

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COUNTRY PROFILE 2015

Prepared by
The People for Change Foundation and Integra Foundation

For:
The International Organization for Migration (IOM)



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FOREWORD

Situated in the centre of the Mediterranean, the Maltese Islands boast a rich history of migration. The legacy of 7,000 years of colonization is revealed in the language, architecture, political establishment, discourse and day-to-day realities. Sometimes celebrated, at other times scorned, the migrant has, and continues to be, a central character in the Maltese narrative. In difficult times, many Maltese were forced to emigrate in search of a better life. Maltese emigration continues, albeit under different – more assured – circumstances. The past two decades have also witnessed a shift in migratory patterns, as Malta has turned from a country of emigration to a country of immigration. In an increasingly globalized world, contemporary immigration to Malta of persons from around the world is perhaps the most reliable indication of the intensification of this process. Now, as before, the presence of migrant populations living in Malta is evident – from classrooms to hospitals, from board rooms to construction sites. The contribution that migrants make to Maltese society is real, dynamic and enriching. But migration does not come without its challenges. Indeed, migration has become one of the most politically charged topics of our times. Therefore, arguably, the need for informed debate – generally, as well as specifically in the Maltese context – has never been more urgent.

The Migration in Malta – Country Profile 2015, commissioned by the International Organization for Migration (IOM), seeks to contribute to this dialogue, by providing an evidence-based overview of the islands' contemporary migration narrative.

The report is divided into three sections and documents migration trends and migrant characteristics in Malta. It begins by exploring the impact of migration in the Maltese context in relation to key issues, namely human development, economic development, employment and the labour market, social development, education, as well as health and the environment. It then focuses on migration management and control, more specifically on the legislative, policy and institutional developments that have been taking place over the past decade. The report concludes with a summary of key findings and recommendations that have emerged from the data collection and analysis.

The report is expected to provide a valuable tool for policymakers, practitioners, academics, journalists, and, indeed, anyone interested in better understanding the contemporary Maltese migration context.

ACRONYMS

AFM	Armed Forces of Malta
AVRR	Assisted Voluntary Return and Reintegration
COE	Council of Europe
ECHR	European Convention of Human Rights
ECtHR	European Court of Human Rights
Eurostat	European Union's Statistics Office
FSM	Foundation for Shelter and Support to Migrants
HDI	Human Development Index
IOM	International Organization for Migration
JRS	Jesuit Refugee Service
KOPIN	Koperazzjoni Internazzjonali
MHAS	Ministry for Home Affairs and National Security
MIPEX	Migration Integration Policy Index
NGO	Non-governmental organization
NSO	National Statistics Office
OFD	Organization for Friendship in Diversity
PfC	People for Change Foundation
RAB	Refugee Appeals Board
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees

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INTRODUCTION

The historical narrative of the Maltese archipelago – situated at the crossroads of the Mediterranean – has been substantially involved with migration. With 7,000 years of colonial rule, this relatively young nation-State has hosted and integrated diverse cultures, languages, ethnicities and people. The rich history of migration is reflected in, among others, the architecture, the languages spoken, the institutions and the increasingly diverse makeup of Maltese citizens and residents of the islands.

Malta, comprised of the islands of Malta, Gozo and Comino, gained its independence from Great Britain in 1964 and became a member of the European Union in 2004. The capital city of Malta is Valletta, and the official languages are Maltese and English. The euro was adopted as the official currency in 2008. The Constitution of Malta establishes Roman Catholicism as the State religion, and the majority of Maltese identify themselves as Roman Catholic. Yet, a growing number of other religious denominations are also represented in Malta, which is evident from a significant number of active communities. Recent trends also indicate a shift towards secularization, a process that has arguably gained momentum post accession to the European Union, the referendum on the legalization of divorce and the gay rights movement in the overall context of ever-intensifying globalization.¹

With an area of just over 316 km², Malta is the smallest European Union Member State. With a population of 446,547, Malta is also the most densely populated Member State of the European Union and one of the most densely populated countries in the world.

It is the above-mentioned demographics, coinciding with poverty and deprivation that have historically compelled many Maltese to emigrate. During the nineteenth century, emigration took place largely towards North Africa. Following the Second World War, Malta experienced massive emigration to English-speaking countries including Australia, Canada, the United Kingdom and the United States of America. The hardships many of the Maltese emigrants faced at this time are well documented, not least in Australia, where, as a result of the “White Australia Policy”, the Maltese were officially excluded from the assisted passage scheme and thus faced social exclusion and poverty. With the passage

¹ Pace, R. (2012), Growing Secularisation in a Catholic Society: The Divorce Referendum of 28 May 2011 in Malta, *South European Society and Politics*, 17(4):573–589.

of time, the Maltese diaspora in Australia and elsewhere has flourished. These communities have managed to maintain their links with Malta, demonstrating a dynamic relationship that continues across physical and virtual spaces.

Over the following decades, as a result of growing prosperity, Maltese migration patterns shifted and Malta turned from a country of emigration into one of immigration. Since the 1970s, when many Maltese emigrants returned, Malta has increasingly become a popular destination for foreign nationals. Contrary to popular belief, the highest numbers of migrants living in Malta today are from the European Union, while an increasing number of migrants are arriving from further afield, including Asia, North America and Eastern as well as South-Eastern Europe.

From 2002, Malta experienced the arrival of mixed flows of migrants, largely sub-Saharan asylum-seekers arriving from the coast of North Africa. In the aftermath of the Arab Spring and the context of the ongoing conflicts in the Syrian Arab Republic and Libya, in recent years, Malta has also been receiving increasing numbers of asylum applications from Libyan and Syrian nationals. Due to the predominant mode of entry by boat, the vast variety of ethnic backgrounds among the migrant population and the thereto-related physical features, asylum and irregular migration have largely been at the forefront of the migration debate in Malta, both in public and political discourse. However, the findings of this report suggest that migration in Malta is far more complex and diverse than the rather simplified version portrayed by the media narrative.

While not without its challenges, this report seeks to capture the contemporary picture of migration trends in Malta. Due to the very nature of migration, the most this report can hope to achieve is a comprehensive insight into the dynamics and ever-shifting migratory patterns in Malta today. The report is divided into three sections: Part A documents migration trends and migrant characteristics. It challenges some popular misconceptions that have been prevalent in the mainstream discourse. Part B looks at the impact of migration in the Maltese context. The analysis addresses a number of key topics, namely human development, economic development, employment and the labour market, social development, education, as well as health and the environment. Part C looks at migration management and control, more specifically, the extensive and expanding legislative, policy and institutional developments over the past decade. The report concludes with a summary of key findings and recommendations that have emerged from the data collection and analysis.

While the findings of the present report point to the diverse and dynamic migratory patterns and flows to and from Malta, the dominant discourse in the political, academic and public realm has tended to focus almost exclusively on the arrival of asylum-seekers, to the degree that popular belief tends to portray sub-Saharan asylum-seekers as the majority of migrants living in Malta. The following analysis seeks to redress this bias and take a more comprehensive, realistic look at the broader impact of migration in Malta.

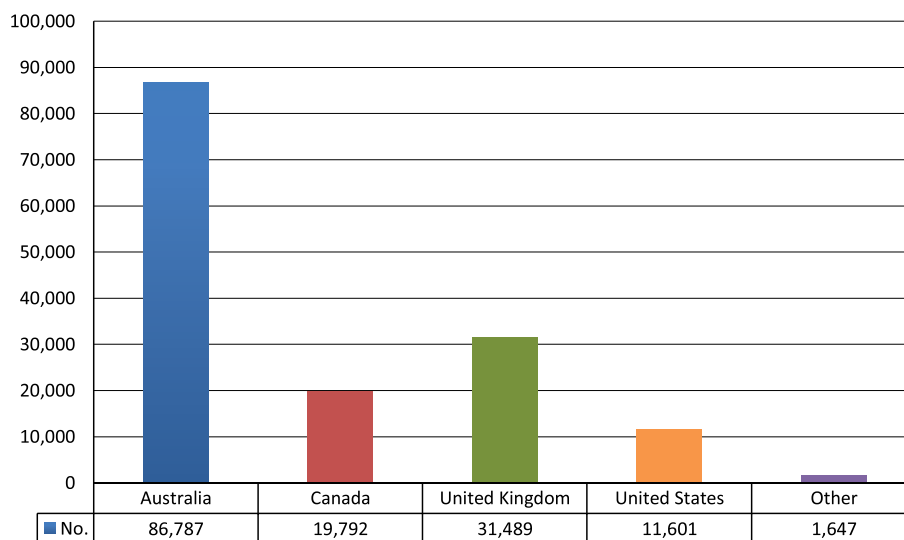
PART A: MIGRATION TRENDS AND MIGRANT CHARACTERISTICS

This section aims to present key migration figures and trends in Malta, as well as an overview of migrant characteristics. In so doing, it challenges existing perceptions that sub-Saharan asylum-seekers make up the majority of migrants living in Malta, particularly, in view of statistics pertaining to migration of other third-country nationals and European Union nationals. Further, this publication aims to provide an impetus for future data collection in the area, particularly data that is more detailed and segregated with specific focus on issues of race and ethnicity.

A.1. Emigration

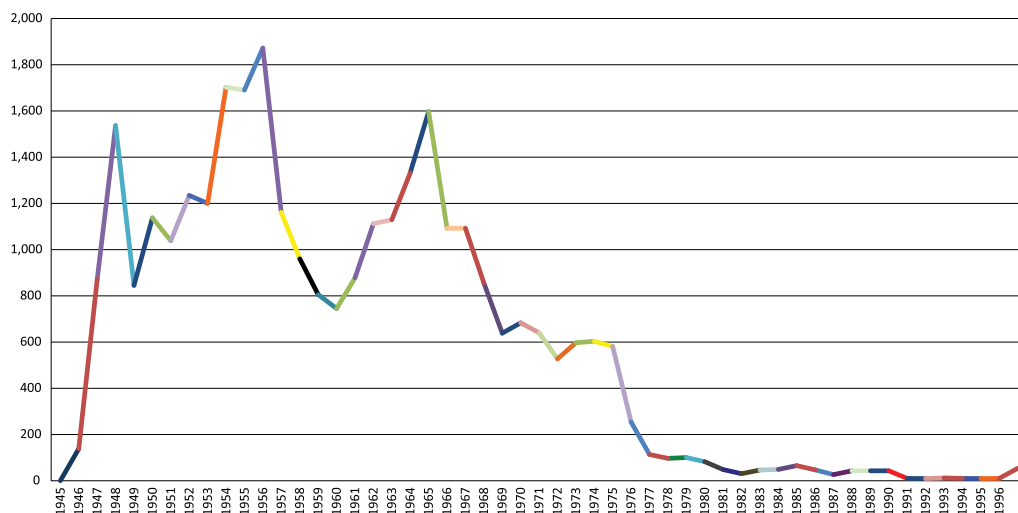
Emigration on a large scale has been a feature of Maltese life since the early nineteenth century. Organized and subsidized emigration became a basic policy in the post-war period. It was presented as a solution to Malta's challenges regarding overpopulation and unemployment following the devastation of the Second World War. While the decision to emigrate was claimed to have been taken freely, it is often argued that the choice was between emigration and stark economic hardship. In the early twentieth century, emigration was regarded as a way of curtailing the high population density in Malta. Many Maltese thus emigrated to Australia, Canada or United Kingdom, forming migrant communities within these countries. As demonstrated in Figure 1, the number of emigrants to Australia far outweighed emigration to any other country, with a total of 86,787 Maltese emigrants reaching the country in the period from 1946 to 1996. The number of Maltese nationals leaving for the United Kingdom between 1946 and 1996 was 31,489, making the United Kingdom the second largest receiving country of Maltese emigrants after Australia. Other countries to which significant emigration occurred included the United States and Canada. As illustrated in Figure 2, peak levels of emigration were reached in 1947 ($n=1,536$), 1955 ($n=1,872$) and 1964 ($n=1,597$).

Figure 1: Emigration by country, 1946–1996



Source: Malta Migration Museum, 2015.

Figure 2: Emigrants from Malta



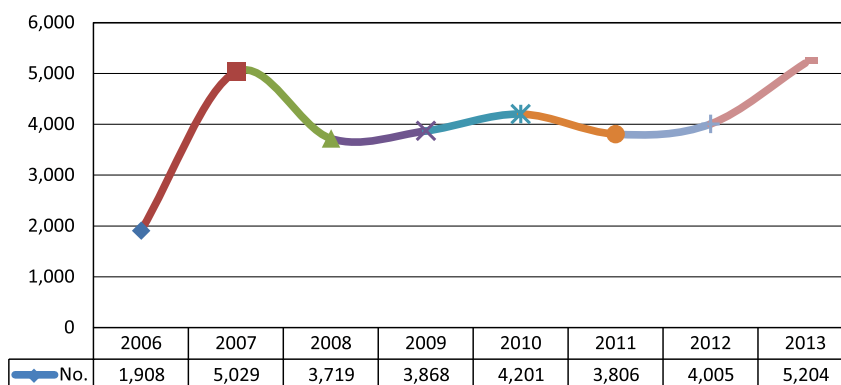
Source: Malta Migration Museum, 2015.

Subsequently, the number of Maltese emigrants leaving for the United Kingdom first decreased slowly, then more rapidly after 1975. Return migration from the United Kingdom over the period of 50 years from 1946 to 2006

amounted to 12,969. The most significant period of return migration was again reached in 1975, with a peak of 1,572 migrants returning to Malta. Subsequently, the level of return migrants remained high (at around 400–600 per year) until 1984, after which it declined to below 200 returnees per year.

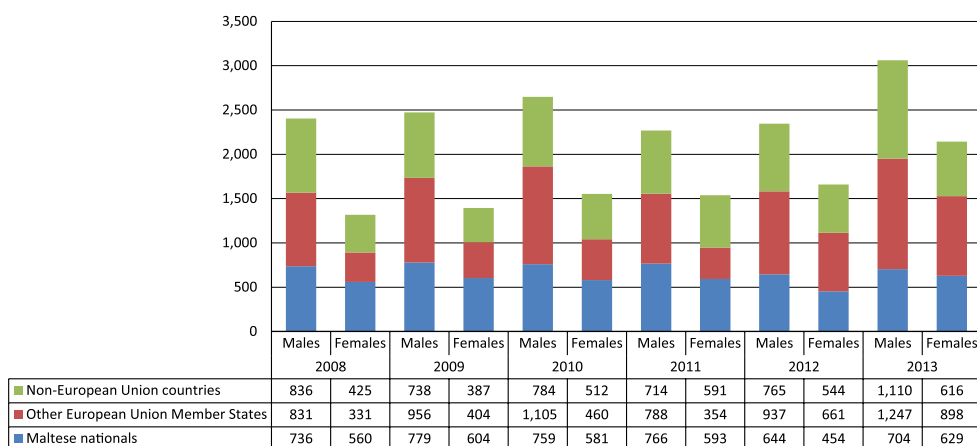
Figure 3 provides an overview of the number of persons emigrating from Malta between 2006 and 2013. While the number increased considerably in 2007 ($n=5,029$), it remained stable between 2008 ($n=3,719$) and 2011 ($n=3,806$). In 2012, the figure stood at 4,005, while in 2013, it increased to 5,204.

Figure 3: Emigration from Malta, 2006–2013



Source: Eurostat, 2015.

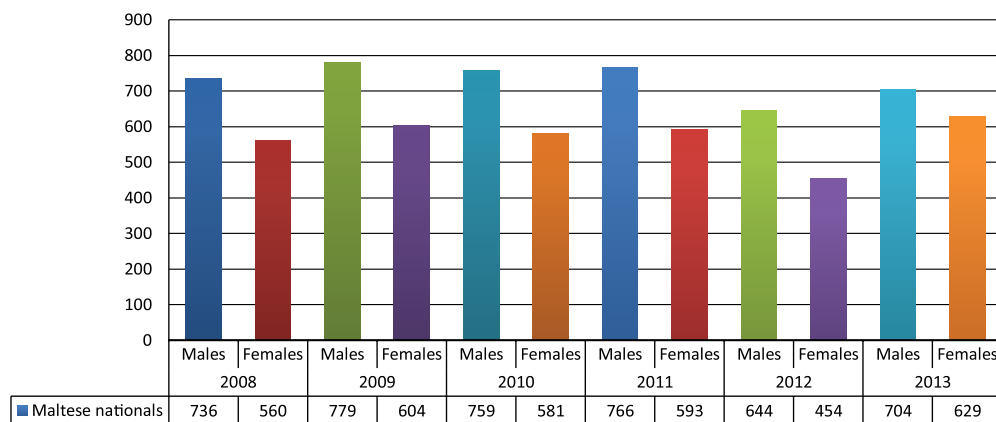
Figure 4: Emigration by sex and citizenship



Source: Eurostat, 2015.

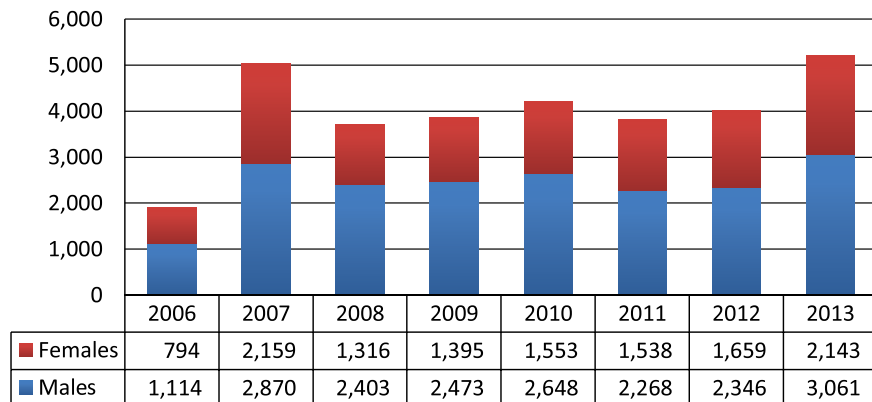
Figure 4 illustrates emigration trends between 2008 and 2013, divided into categories of Maltese nationals, European Union nationals and non-European Union nationals, and further divided by gender. Figure 5 illustrates a general pattern that a significantly higher number of males than females emigrate from Malta, regardless of citizenship.

Figure 5: Emigration of Maltese nationals, 2008–2013



Source: Eurostat, 2015.

Figure 6: Flow data: Emigration by sex, 2006–2013



Source: Eurostat, 2015.

The prevalence of male migrants, as opposed to female migrants, is once again illustrated in Figure 6. In order to clarify the reasons for these gendered patterns, qualitative research is needed. The latter would provide insights into, inter alia, the motivation to migrate (including family, employment and

education), the resources required to migrate (economic, networks, relationships and others), the trajectory of the migrant and the reasons behind the choice of destination.

An important factor in this context is career and professional opportunities abroad as a driving force for people to leave the country. One of the most considerable examples of the so-called “brain drain” is the medical profession, in which an increasing number of medical graduates have opted to leave Malta and finalize their specialization in the United Kingdom, often settling there permanently. For some years, this caused a considerable problem in terms of human resources in medical personnel in Malta. The issue has now been remedied, partly by the number of foreign doctors choosing to finish their studies or conduct their specialization in Malta. The medical profession provides an interesting example of the relationship between emigration and immigration, affecting the balance of the much-needed skills and human resources within a country.

A.2. Immigration

A.2.1. Key driving forces

A number of factors account for the changes in immigration trends over the past decade. Apart from its warm climate and location in the heart of the Mediterranean, Malta’s accession to the European Union in 2004 resulted in an increase of European Union citizens coming to Malta in the exercise of their right of free movement within the European Union. Concurrently, European Union membership allowed Maltese citizens to move and seek opportunities within other European Union Member States. As this Migration Profile highlights, a variety of reasons drives migration to Malta, such as labour market opportunities, family unity and the pursuit of studies or research.

However, not all who reach the Maltese shores do so out of opportunity or through regular channels. Rather, some do so out of necessity, fleeing war and persecution, which has driven them out of their countries of origin. Partly as a result of its geographical location as a gateway to Europe, since 2002, a number of asylum-seekers have arrived in Malta constituting one group within the mixed flows of migrants, often being brought to Malta after being rescued within Malta’s search and rescue region.

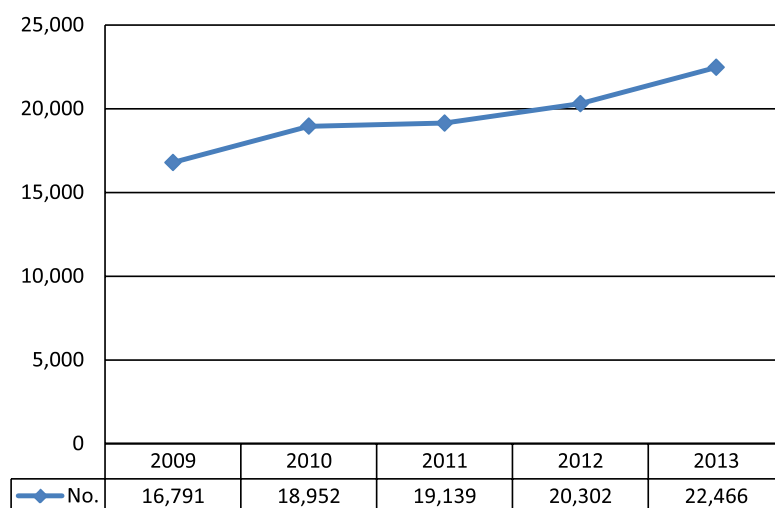
While a significant number have moved on to other countries, whether through formal (relocation or resettlement) or informal channels, others have

remained. The United Nations High Commissioner for Refugees (UNHCR) Malta estimates in its 2014 midyear update that less than 30 per cent of the around 19,000 individuals who arrived by boat from Libya since 2002 remain in Malta,² while more than 2,600 beneficiaries of protection have been resettled or relocated since 2005.³ For example, in the period from January to July 2014, 391 refugees were resettled to the United States and 54 individuals were assisted to return home through the Assisted Voluntary Return and Reintegration (AVRR) programme implemented by the International Organization for Migration (IOM) in partnership with the Ministry for Home Affairs and National Security (MHAS).⁴

A.2.2. Data overview

The total number of migrants living in Malta has increased steadily over the past decade, reflecting the shift from a country of emigration to a country of immigration. As of 2013, the total number of migrants living in Malta was 22,466. Figure 7 demonstrates the increase in immigration between 2009 and 2013, including all non-Maltese nationals (both European Union nationals and third-country nationals) living in Malta.

Figure 7: Stock data: Migrants in Malta, 2009–2013



Source: Eurostat, 2015.

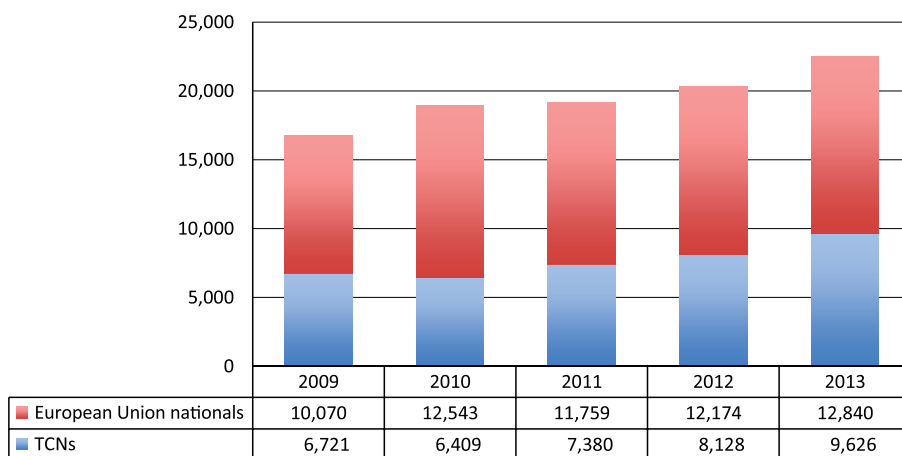
² UNHCR Malta, Malta Asylum Trends: 2014 midyear update. Available from www.unhcr.org/mt/charts/uploads/resources/read/files/7_2014_malta_asylum_trends_mid_yearf_.pdf

³ Ibid.

⁴ Ibid.

Figure 8 illustrates the distribution of migrants by broad category of citizenship, namely, the number of migrant stocks divided into European Union nationals and third-country nationals between 2009 and 2013. Over this five-year time frame, although the number of European Union nationals was significantly higher than the number of third-country nationals, the dominant public and political debate on migration was (and remains) almost exclusively focused on one particular subset of third-country nationals, sub-Saharan asylum-seekers referred to as “boat people”.

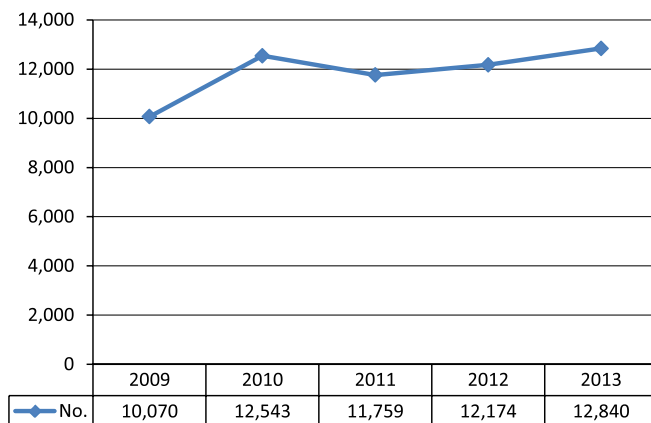
Figure 8: Stock data: Migrants by broad category of citizenship, 2009–2013



Source: Eurostat, 2015.

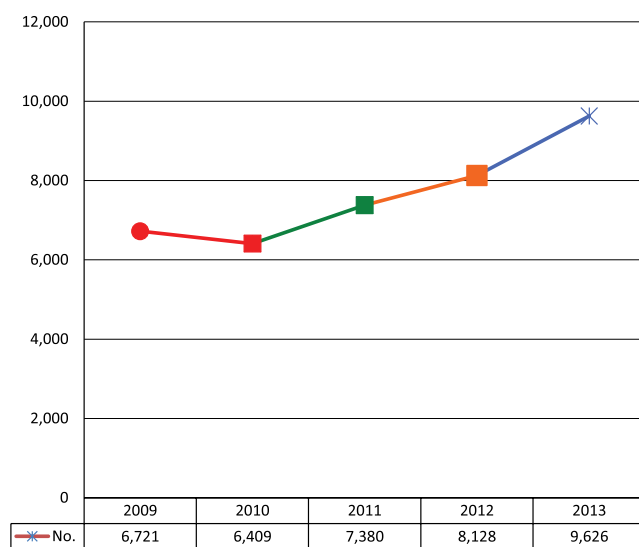
Aside from a dip in third-country national arrivals in 2010 and a surge in arrivals of European Union nationals in the same year, the growth rate is largely similar between the two groups, illustrating a steady increase in the arrivals of both categories over time and confirming Malta’s position as an increasingly popular migrant destination. This may be sharply contrasted with the number of boat arrivals that saw a large decrease in recent years, particularly from 2013. Figures 9 and 10 below indicate the growth in the number of migrants by broad category of citizenship between 2009 and 2013. A significant growth is noted for both categories, with 2010 seeing a spike in the number of European Union nationals and a slight dip in the number of third-country nationals. The figures suggest a relatively rapid increase in the arrivals of European Union nationals post Malta’s accession to the European Union in 2004, which has levelled out post-2010. They also demonstrate, contrary to popular belief, the high number of European Union nationals in relation to third-country nationals, which in 2010, for instance, was almost double the number of third-country nationals in Malta.

Figure 9: Stock data: European Union nationals



Source: Eurostat, 2015.

Figure 10: Stock data: Non-European Union nationals



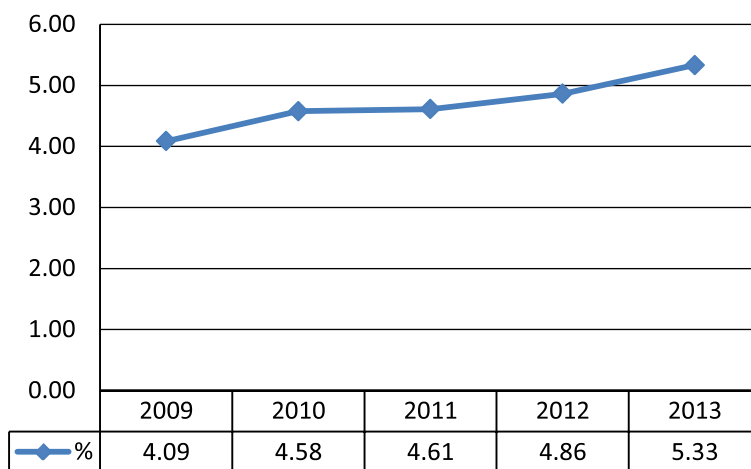
Source: Eurostat, 2015.

A.2.3. Immigration as percentage of the total population

Figure 11 presents the total number of migrants as a percentage of the total population in Malta, which rose from 4.09 per cent in 2009 to 5.33 per cent in 2013. This increase notwithstanding, according to recent statistics, European Union nationals and third-country nationals still represent a relatively low percentage of the population residing in Malta. Yet, 57 per cent

of the Maltese respondents to the most recent Eurobarometer survey published in February 2015 indicated immigration as one of their two main concerns, the other one being economic issues.⁵ Compared to the European Union average (18%), Malta retains one of the highest percentages of citizens identifying immigration as a primary concern for their country, along with the United Kingdom (38%), Germany (37%) and Denmark (34%). Forty-six per cent of the Maltese respondents also consider immigration to be the most important issue currently facing the European Union.

Figure 11: Stock data: Migrants as a percentage of total population

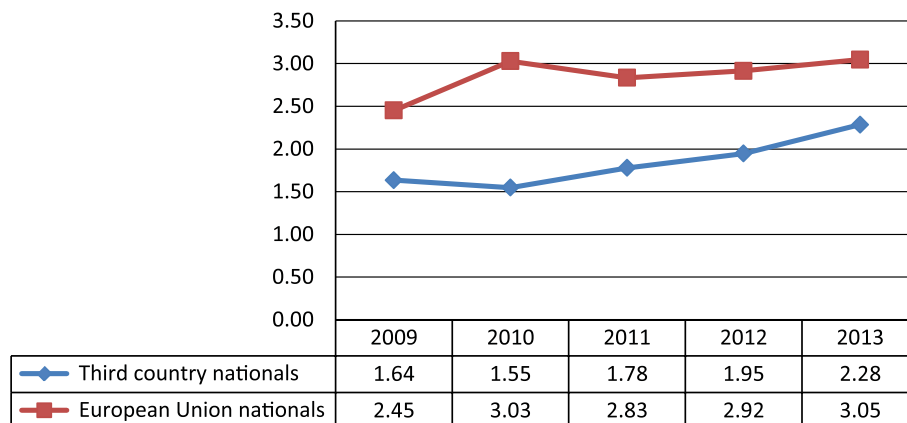


Source: Eurostat, 2015.

Figure 12 presents migrants as a percentage of the total population, divided by broad category of citizenship, namely European Union nationals and third-country nationals. The percentage of European Union nationals ranges from a minimum of 2.45 per cent in 2007 to a maximum of 3.05 per cent in 2013, while the percentage of third-country nationals ranges from a minimum of 1.55 per cent in 2010 to a maximum of 2.28 per cent in 2013. In other words, the latter has always been and is significantly lower than the former. This again suggests that the public perception of migrants in Malta does not reflect the reality.

⁵ European Commission, Standard Eurobarometer 82: National Report Malta, Autumn 2014. Available from http://ec.europa.eu/public_opinion/archives/eb/eb82/eb82_mt_mt_nat.pdf

Figure 12: Migrants by broad category of citizenship as a percentage of total population

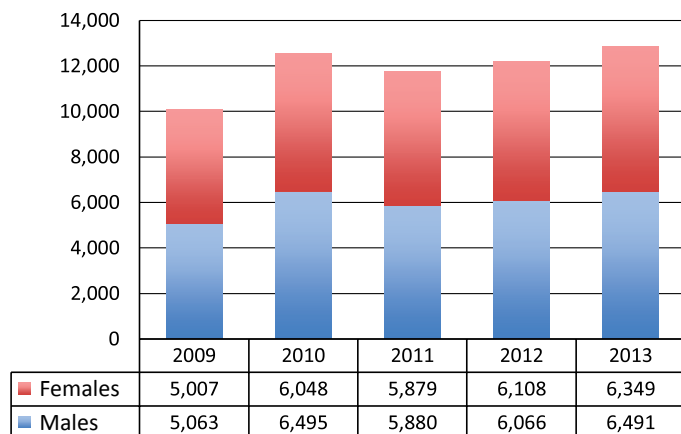


Source: Eurostat, 2015.

A.2.4. Breakdown by gender

Figure 13 illustrates that, between 2010 and 2013, the numbers of male and female European Union nationals living in Malta have been the same, on average. The number of male European Union nationals has for the most part remained slightly higher than that of female European Union nationals, except for 2012, when the reverse was noted. Lack of qualitative research into the subject in Malta makes it difficult to explain these trends. However, the data highlights the feminization of migration within the European Union, reflecting a global trend.

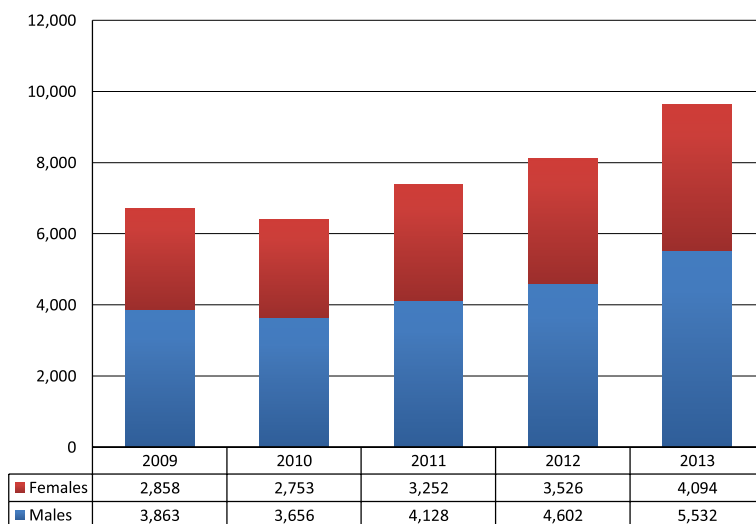
Figure 13: Number of European Union nationals by gender



Source: Eurostat, 2015.

Figure 14 displays the number of third-country nationals by gender in Malta from 2009 to 2013. In this case, however, the number of male third-country nationals remains higher than that of female third-country nationals, leaving a significantly wider margin between the two genders. The number of male third-country nationals reached a minimum of 3,656 in 2010 and a maximum of 5,532 in 2013, while the number of female third-country nationals was at its minimum of 2,753 in 2010 and at its maximum of 4,094 in 2013. In terms of gender considerations, it should be pointed out that the majority of asylum-seekers arriving by boat from the African continent have consistently been male. This gender gap could be explained by the fact that this particular group has to engage in longer distance travelling, in most cases without legal or safe channels to arrive at its destination or ways to do so. In this regard, research has demonstrated that, especially in the case of forced migration and asylum flows, women may face more challenges – raising the funds for travel, being primary caregivers and responsible for children or accessing smugglers' networks – which, as an additional obstacle, tend to be male dominated.

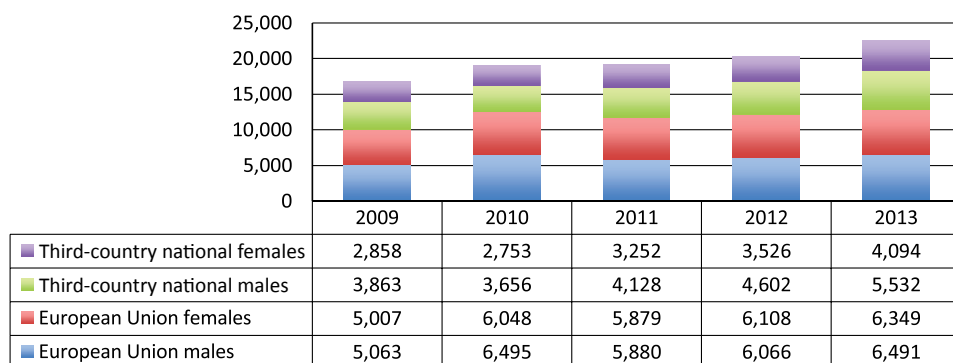
Figure 14: Number of non-European Union nationals by gender



Source: Eurostat, 2015.

Figure 15 presents the data provided in Figures 13 and 14 by breaking down the total number of migrants in Malta both by gender, as well as by broad category of citizenship. This data demonstrates that female third-country nationals consistently make up the smallest subset of the migrant population, while male nationals make up the largest one, with the exception of 2012, when the number of female nationals was marginally higher than that of male nationals.

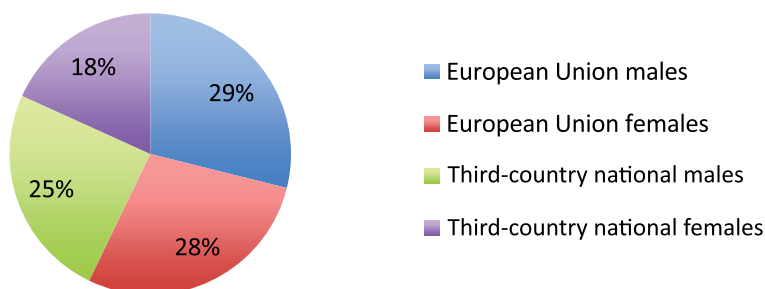
Figure 15: Stock data: Migrants by broad category of citizenship and by gender



Source: Eurostat, 2015.

Figure 16 complements the preceding one in highlighting that, as the smallest subset, female third-country nationals made up 18 per cent of the total migrant population, whereas male European Union nationals made up the largest subset, amounting to 29 per cent of the migrant population in Malta.

Figure 16: Percentages of the total population of migrants broken down by broad category of citizenship and gender



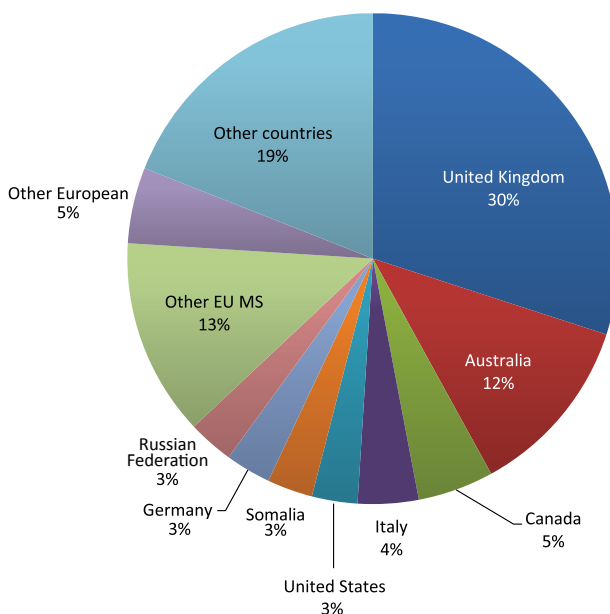
Source: Eurostat, 2015.

A.2.5. Breakdown by broad category of citizenship

Stock data compiled from the National Census published in 2011 indicates that, at the time, 35,116 individuals lived in Malta, albeit their country of birth was not Malta. This amounts to 8.4 per cent of the total population. Looking closely at the further subdivision provided by Figure 17, it becomes apparent that those born in the United Kingdom constitute by far the largest group (30%), reflecting Malta's colonial history and the British legacy in many aspects of the

contemporary Maltese society, as well as Maltese emigration to the United Kingdom. Collectively, these factors have ensured a continuation of transnational relationships and influence. Persons born in Australia, in turn, make up 12 per cent of the individuals living in Malta whose country of birth was not Malta, reflecting the high levels of Maltese emigration to Australia post-World War II. Those born in “other countries”, namely non-European countries and countries not otherwise explicitly mentioned (including countries in Asia and Africa but excluding Somalia), make up 19 per cent of the total population of individuals living in Malta whose country of birth was not Malta. Figure 17 illustrates this by highlighting the country of birth as a percentage of the total population.

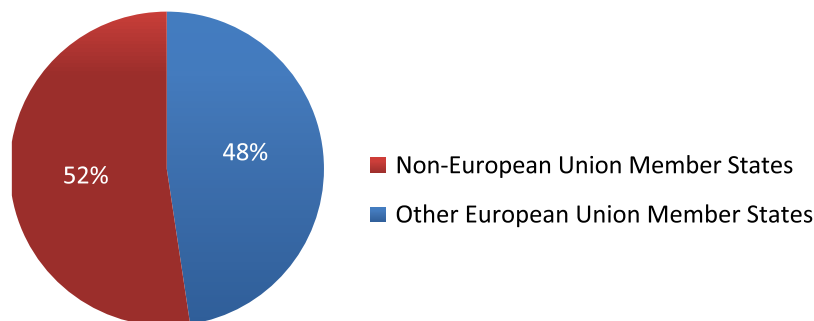
Figure 17: Migrants by country of birth



Source: 2011 National Census, National Statistics Office (NSO).

Figure 18 provides a breakdown of migrants by citizenship in the last year for which data is available, namely, 2013. While evaluating this figure, it is important to keep in mind that in 2013, immigration from non-European Union countries was slightly higher than immigration from European Union countries.

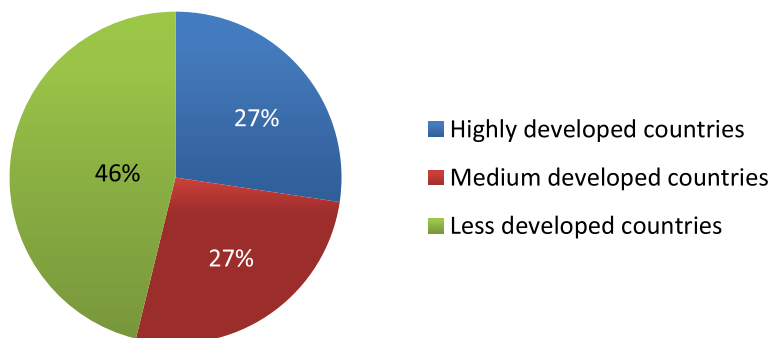
Figure 18: Breakdown by citizenship, 2013



Source: Eurostat, 2015.

Figure 19 divides the arrivals from non-European Union countries by the development ranking of the country of citizenship.⁶ There is quasi-parity among the number of non-European Union migrants arriving from less developed, medium developed and highly developed countries, although the number of migrants arriving from less developed countries is slightly higher than from the other two categories of countries. The prevalence of less developed countries can be explained by referring to the countries of origin of asylum-seekers, who arrive predominantly from sub-Saharan Africa.

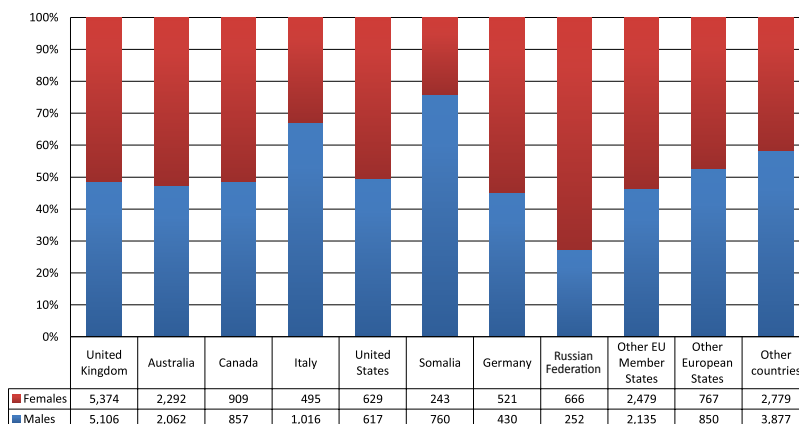
Figure 19: Percentages of non-European Union, non-EFTA and non-candidates States' migrants by level of development of the country of citizenship



Source: Eurostat, 2015.

⁶ The development ranking utilized by Eurostat is that of the Human Development Index (HDI), which is calculated according to statistical measures of life expectancy, literacy, education and GDP per capita. It is calculated by the United Nations under the United Nations Development Programme, and measures a country's average achievements by health, knowledge and a decent standard of living. Eurostat uses the 2006 HDI classification as the basis for data collection on countries by level of development.

Figure 20: Migrants by country of birth and sex

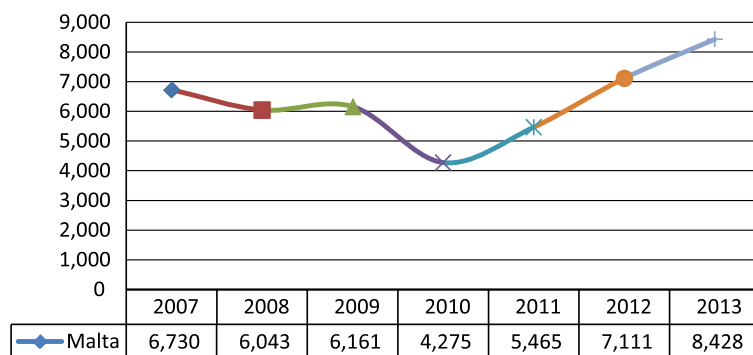


Source: Eurostat, 2015.

In most migrant communities in Malta, the female population is marginally higher than that of their male counterparts. As illustrated in Figure 20, the exceptions to this are Italy, Somalia and “other countries”, where one notes a marked discrepancy between the number of males and females, with males making up 67 per cent, 76 per cent and 58 per cent of the total number, respectively, and in the case of the Russian Federation where the number of women is significantly larger than that of men, and the gap wider than for any other community. The situation of migrants from Somalia is particularly worth noting; while the number of females remains considerably lower than that of males, recent years have seen a marked increase in the number of Somali women arriving in Malta, reflecting also a general trend of an increasingly higher percentage of asylum-seekers being female.

In addition to the stock data provided above, Figure 21 presents the flow data of immigration to Malta between 2007 and 2013. It highlights a decline in the overall arrivals between 2007 and 2011 and, specifically, a sharp decline in 2010. The figures were on the increase again in 2012 and 2013.

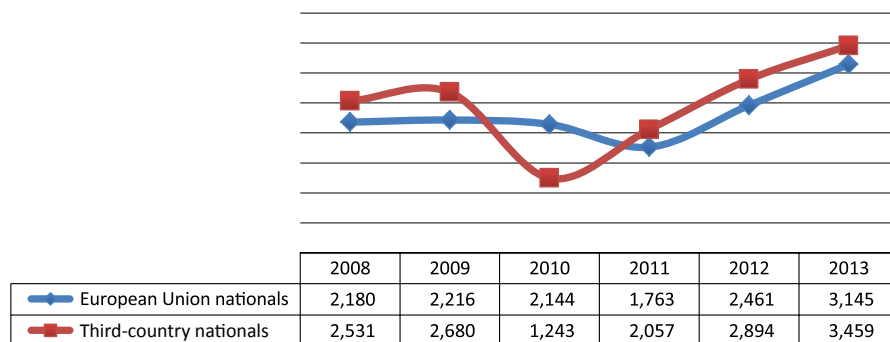
Figure 21: Flow data: Immigration to Malta, 2007–2013



Source: Eurostat, 2015.

Figure 22 presents the comparison between European Union nationals and third-country nationals within the context of migrant arrivals. Overall, the flow of migration arrivals of third-country nationals was marginally higher than that of European Union nationals, with the exception of 2010, when the number of arrivals for third-country nationals dropped drastically.

Figure 22: Flow data: Annual immigration to Malta by European Union nationals and third-country nationals



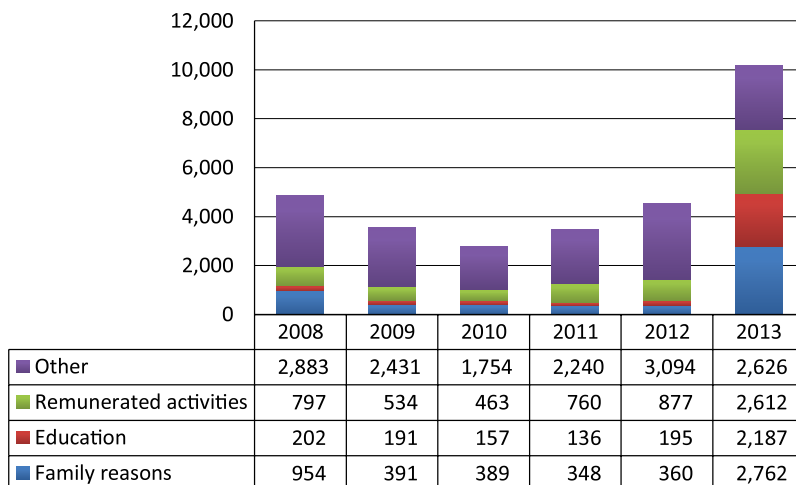
Source: Eurostat, 2015.

A.2.6. Residence permits by reason

Figure 23 depicts the issuance of first residence permits (that is, not renewals) by reason given. It is evident that remunerated activities account for a considerable percentage of residence permits issued, as do those classified as “other” reasons. The latter trend is explained by the inclusion of beneficiaries of international protection under the category of “other” reasons. It is also worth noting that a relatively high number of permits are issued for family reasons. The

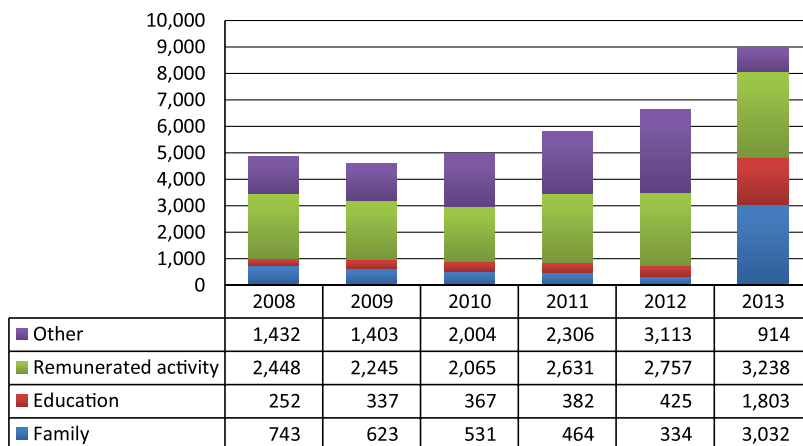
spike in these figures in 2008 reflects the enactment of the Family Reunification Regulations (by virtue of Legal Notice 150 of 2007) the year before.

Figure 23: Flow data: First residence permits Issued by reason



Source: Eurostat, 2015.

Figure 24: Stock data: Number of valid residence permits at the end of each calendar year, 2008–2013

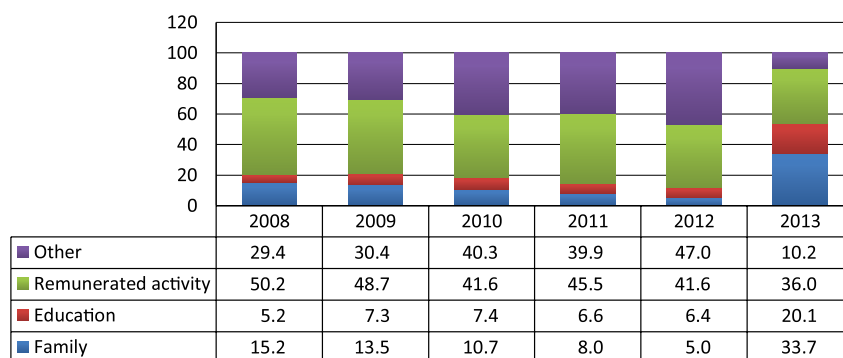


Source: Eurostat, 2015.

Figure 24 illustrates the number of residence permits that remained valid at the end of each calendar year between 2008 and 2013. The data depicts that, during this period, the highest number of valid permits had been granted

for reasons of remunerated activity, whereas – with the exception of 2013 – the lowest number had been granted for education reasons. When contrasted to the data in Figure 23, this demonstrates that, despite the low number of arrivals of migrants who have been granted residence permits for reasons of financial remuneration in recent years, this group still makes up a significantly large percentage of migrants in possession of valid residence permits in Malta. As illustrated in Figure 25, at a minimum of 41.6 per cent and a maximum of 50.2 per cent, the percentage of residence permits granted for purposes of remunerated activity remains higher than the percentages of those issued for family, education, or other reasons, with the exception of 2012, when “other” reasons accounted for a majority of 47 per cent.

Figure 25: Stock data: Percentage of valid residence permits at the end of each calendar year, 2008–2013 (per cent)



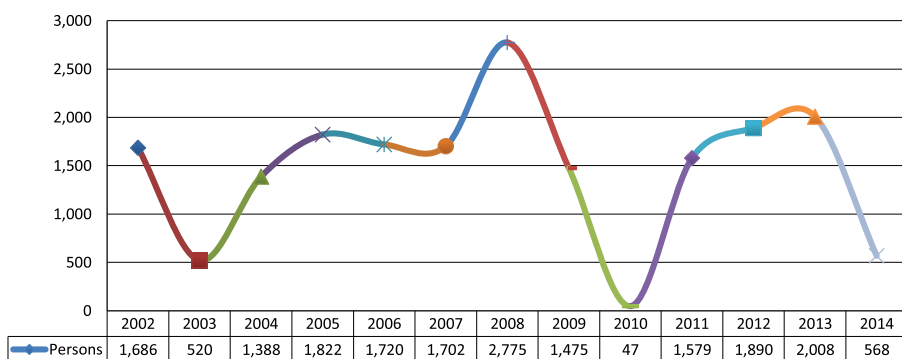
Source: Eurostat, 2015.

A.3. Undocumented arrivals

Figure 26 presents the total number of undocumented arrivals by boat between 2002 and 2014. One noteworthy aspect is a significant spike in boat arrivals in 2008, and severe dips in 2010 and 2014. In 2015, this trend continues with only 99 boat arrivals by the end of September 2015.⁷

⁷ UNHCR Malta, Malta Asylum Trends Real Time: Boat Arrivals/ Rescued 2015. Available from www.unhcr.org/mt/charts/category/12/year/8

Figure 26: Boat arrivals, 2002–2014

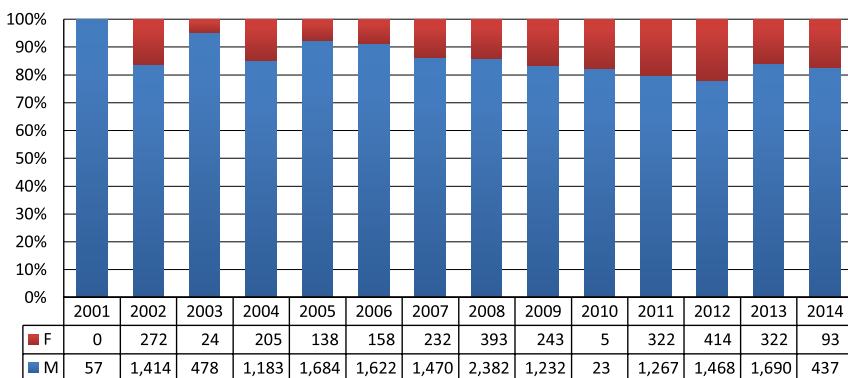


Source: UNHCR Malta, 2015.

The reasons for the increase in 2008 may be varied and include, inter alia, the proliferation of ever more organized smuggling networks and the increasing importance of Libya as a country of transit. Malta's extensive search and rescue region and its related obligations are also a factor contributing to these figures. The 2014 decrease is arguably the result of the Mare Nostrum operation, part of which involved the Italian authorities disembarking rescued persons on the Italian territory.

The statistics reflect a significant disparity in terms of gender of the boat arrivals. From 2001 to 2014, the number of males is predominantly higher than that of females; however, one notes again a relatively steady increase in the number of women arriving in Malta every year. The gender gap in numbers is presented in Figure 27.

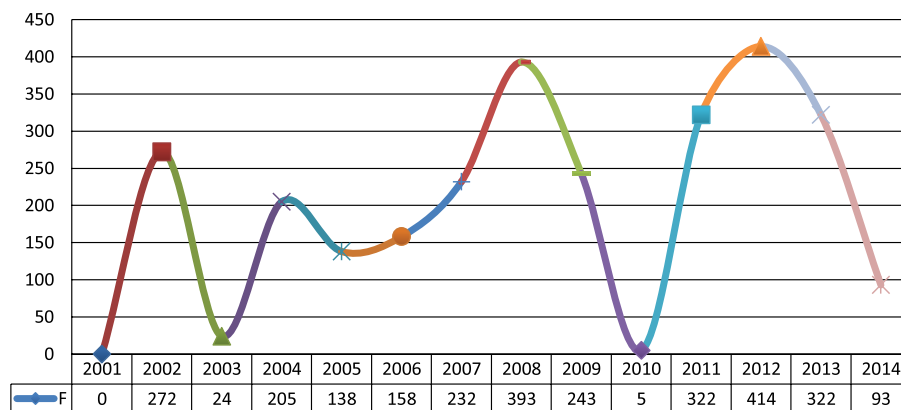
Figure 27: Flow data: Boat arrivals by gender, 2001–2014



Source: UNHCR Malta, 2015.

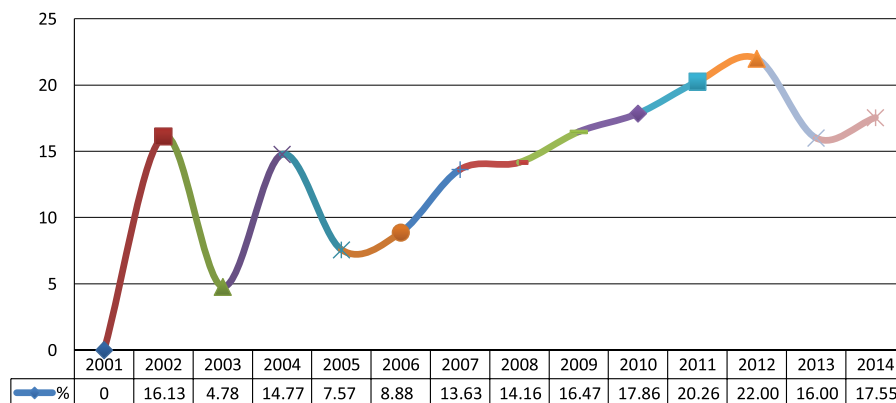
Figure 28 presents the number of females arriving by boat over the period 2001–2014, while Figure 29 presents the figures of women and girls as a percentage of boat arrivals and demonstrates that 2012 saw the highest percentage of females forming part of boat arrivals (22%).

Figure 28: Flow data: Number of women in boat arrivals, 2001–2014



Source: UNHCR Malta, 2015.

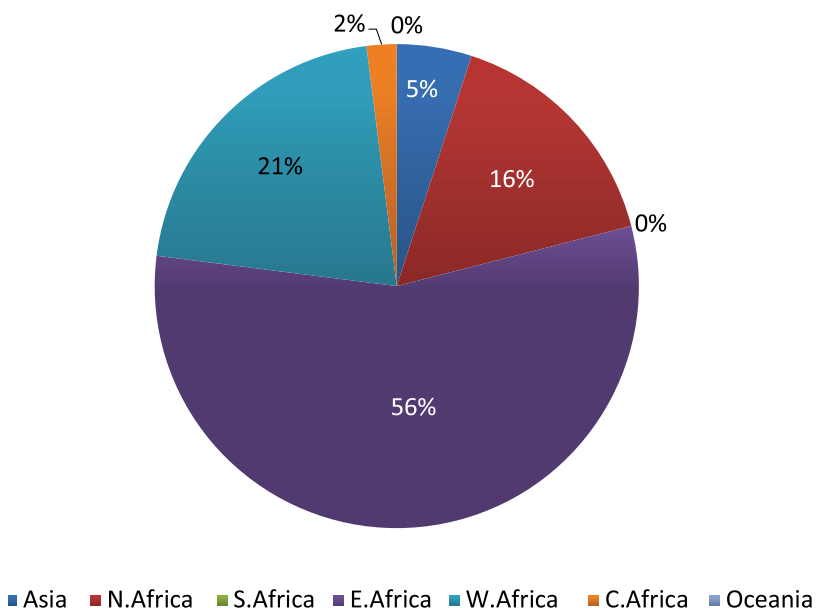
Figure 29: Percentage of girls and women in total number of boat arrivals, 2001–2014



Source: UNCHR Malta, 2015.

Figure 30 depicts the number of boat arrivals divided by region of origin. It is noted that East Africa is the key region of origin of undocumented arrivals in Malta.

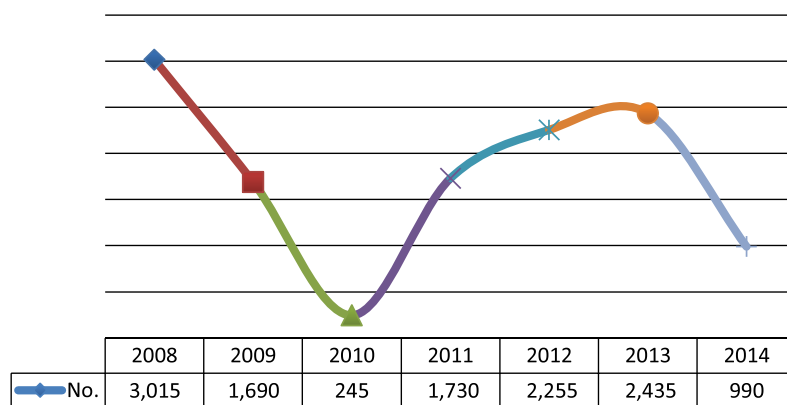
Figure 30: Boat arrivals by category of continent, 2013



Source: NSO, 2015.

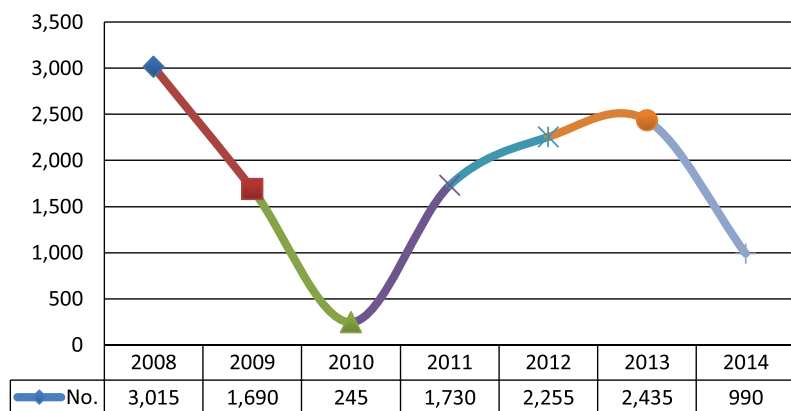
Figure 31 illustrates the number of third-country nationals found to be in an undocumented situation in Malta. It is pertinent to clarify that, in the case of asylum-seekers, these statistics refer to the status upon identification at the point of entry. Once an irregular migrant applies for asylum, thus becoming documented, the removal order is suspended; the migrant's status is effectively regularized, pending the outcome of the asylum decision. As the findings of this report indicate, the majority of asylum-seekers are granted a form of international protection. Figure 32 demonstrates the number of migrants ordered to leave Malta, including migrants whose request for asylum were rejected (that is, the removal order was reinstated) and other third-country nationals found to be residing in Malta in an irregular manner.

Figure 31: Third-country nationals found to be in an undocumented situation, 2008–2014



Source: Eurostat, 2015.

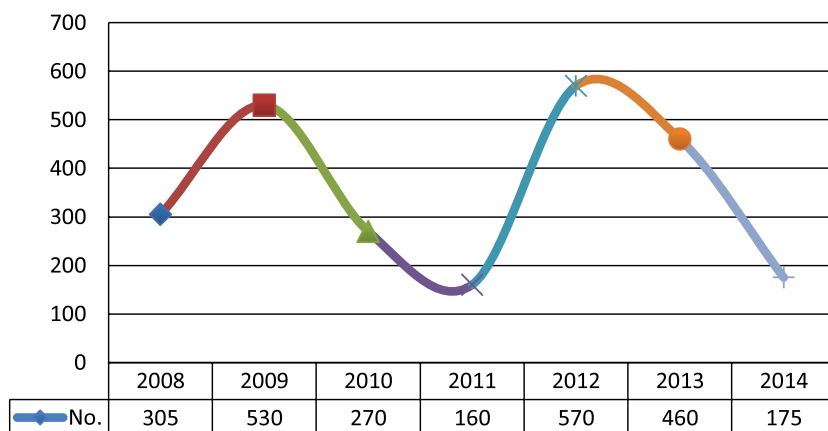
Figure 32: Number of third-country nationals ordered to leave, 2008–2014



Source: Eurostat, 2015.

Figure 33 presents the numbers of third-country nationals who were forcibly returned following an order to leave.

Figure 33: Third-country nationals returned following an order to leave, 2008–2014

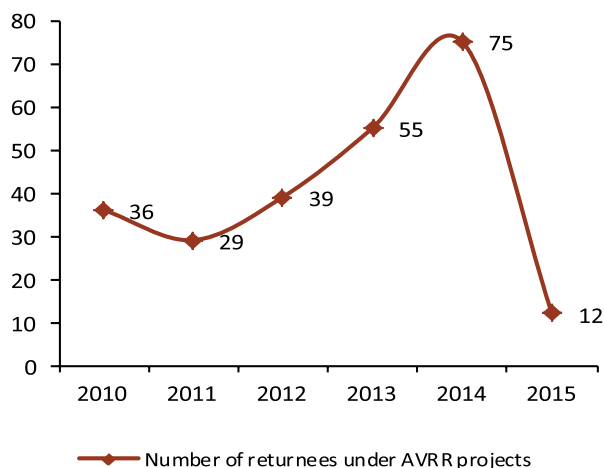


Source: Eurostat, 2015.

The IOM Mission in Malta plays an active role in the area of AVRR. Since 2009, under the five phases of the AVRR project RESTART – implemented by IOM Malta in partnership with the MHAS – 271 returnees (RESTART I – 25; RESTART II – 65; RESTART III – 73; RESTART IV – 75; RESTART V – 33) have been assisted to return from Malta to over 15 countries of origin, mostly in sub-Saharan Africa and Asia.⁸ Figure 34 demonstrates the number of returnees assisted per year under the aforementioned projects. IOM Malta has also been implementing projects aimed at strengthening cooperation between relevant Maltese authorities and their counterparts in sub-Saharan African countries with the aim of increasing awareness of the challenges and potentials linked to AVRR and enhancing the effectiveness of the AVRR process in all its dimensions. The project “Enhanced Cooperation between Malta and Migrants’ Countries of Origin: Lessons Learned and Sharing of Experience with Other European Countries”, implemented between July 2014 and June 2015, was a continuation of two successfully completed phases of the project “Cooperation between Malta and African Countries to Enhance Migration Dialogue and Development”.

⁸ IOM Malta data as of 30 November 2015.

Figure 34: Assisted voluntary returns from Malta

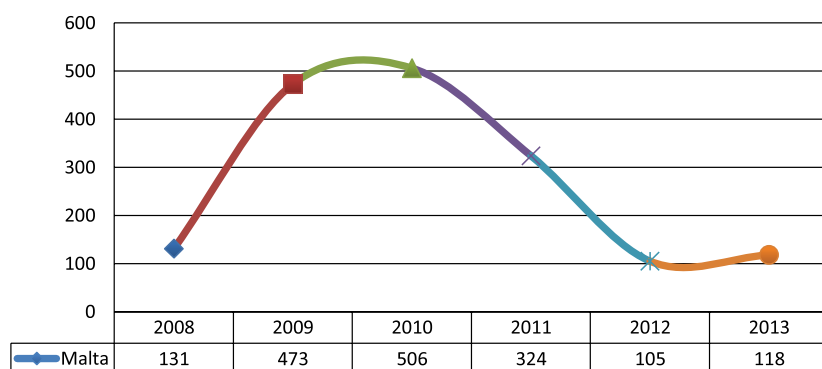


Source: IOM, 2015.

Dublin returns

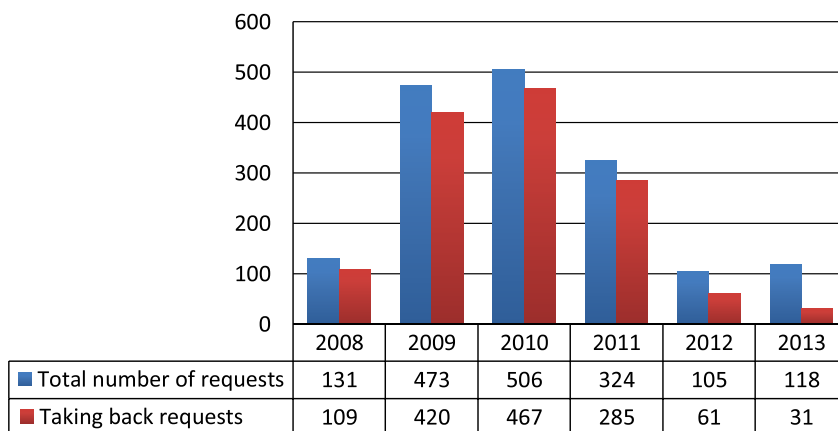
Figures 35 and 36 depict the number of individuals who returned to Malta under the Dublin Regulations. It is noteworthy that the number of requested transfers to Malta decreased from 506 persons in 2010 to 118 persons in 2013. Moreover, Figure 36 shows the number of persons effectively sent back to Malta under the Dublin Regulations.

Figure 35: Dublin incoming requested transfers to Malta, 2008–2013



Source: Eurostat.

Figure 36: Dublin requested transfers and take back transfers to Malta, 2008–2013

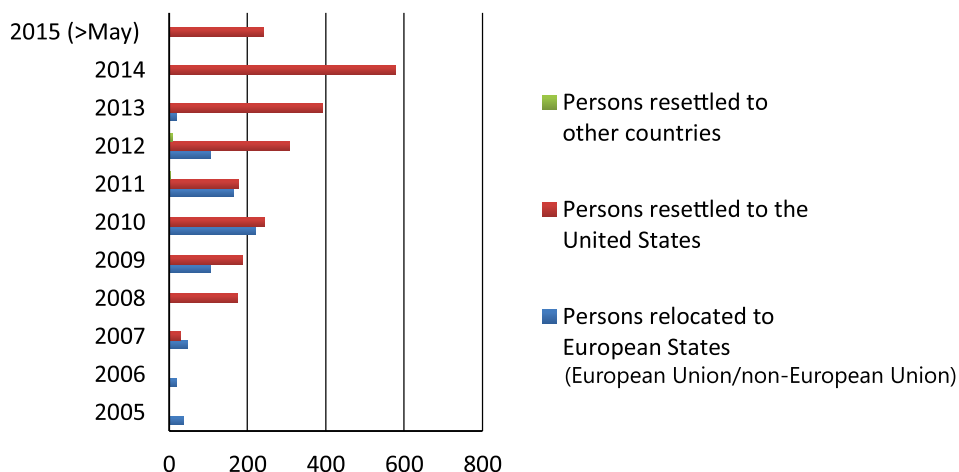


Source: Eurostat.

Persons granted international protection may be eligible for relocation to other European Union Member States, other countries outside the European Union, or resettlement to the United States. Figure 37 shows the figures of persons resettled and relocated since these options have become available. In addition to that and on the basis of the new European Union relocation scheme, which has been agreed upon in 2015 through a qualified majority vote in the context of the refugee crisis in the European Union, Malta is expected to plan for new arrivals.⁹

⁹ Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece foresees the relocation of 40,000 beneficiaries of international protection from Italy and Greece to the other Member States (article 4). Each Member State is expected to identify national contact points, appoint liaison officers to Italy and Greece and indicate the number of available relocation places (art. 5 para. 1, 2 and 8). This decision is complemented by the subsequent Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, which provides for an additional proportional relocation of 120,000 persons in need of international protection from Italy, Greece and any other Member State directly affected by a sudden inflow of foreign nationals (article 4). According to data of the European Commission (2016, p. 7), as of 12 January 2016, Malta has made available 131 places, although the relocation scheme has not yet been implemented.

Figure 37: Relocation and resettlement from Malta, 2005–2014

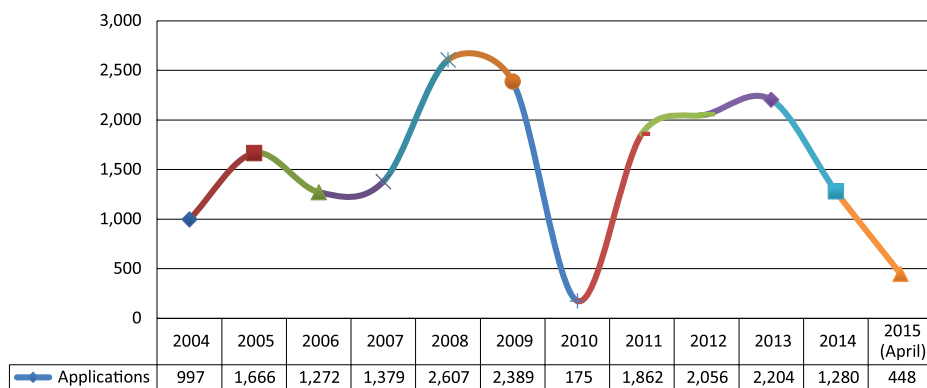


Source: UNHCR.

A.4. Asylum-seekers

In popular and political discourse, migration, irregular migration and asylum are often conflated. In practice, most of the migrants who have arrived in Malta by boat have submitted applications for asylum. Figure 38 depicts the number of asylum applications filed in Malta between 2004 and April 2015. The fluctuations in the number of applications reflect, in part, the fluctuations in the number of irregular boat arrivals but also include applications from other modes of arrival.

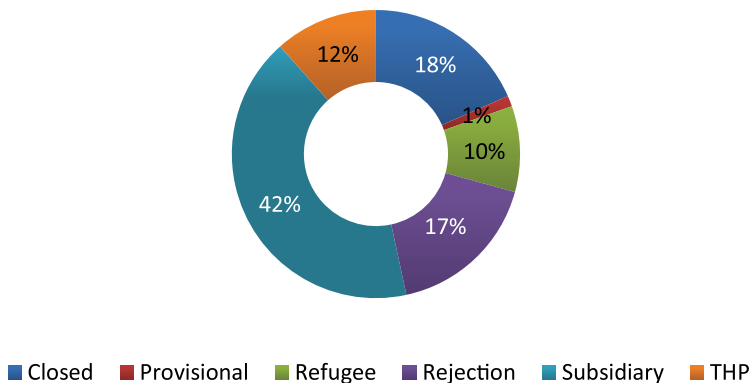
Figure 38: Asylum applications in Malta, 2004–April 2015



Source: UNHCR Malta, 2015.

Figure 39 depicts statuses granted to asylum applicants in Malta in 2014. It is noteworthy that subsidiary protection was granted in most cases, while refugee status was only granted to 10 per cent of applicants. A significant number of applicants also received domestic forms of protection – statuses that are currently not regulated under national law, namely Temporary Humanitarian Protection (THP) and Temporary Humanitarian Protection New (THPN) which, by policy, provide the same entitlements as subsidiary protection. The year 2014 marked a significant increase in the percentage of persons being recognized as refugees, as opposed to being granted subsidiary protection, a trend that has continued throughout 2015.¹⁰ The changes in the number of persons granted international protection are a reflection of the changes in the countries of origin of persons who were granted international protection.¹¹ More specifically, a correlation is suggested between the increase in refugee statuses and the increase of asylum applications by Libyan and Syrian nationals, a trend that has been continuing throughout 2015.¹²

Figure 39: Granted statuses in Malta, 2014



Source: UNHCR Malta, 2015.

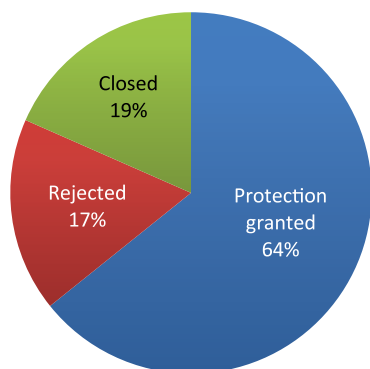
Figure 40 shows the percentage of asylum-seekers that were granted a form of protection, the rejected applications and the closed cases in 2014. It is worth highlighting that 64 per cent of asylum applicants were granted a form of protection.

¹⁰ C.M. Cassar and J.P. Gauci, *Malta Human Rights Report 2015*, 2nd Edition (People for Change Foundation, Malta). Available from www.pfcmalta.org/malta-human-rights-report-2015.html

¹¹ Ibid.

¹² Ibid.

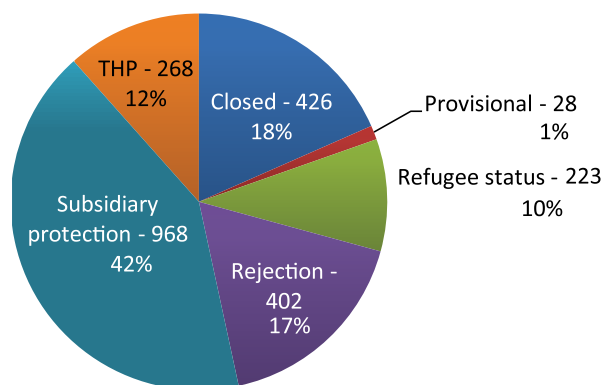
Figure 40: Percentage of granted protection in Malta, 2014



Source: UNHCR Malta, 2015.

Figure 41 presents the numbers of asylum-seekers granted protection in the last 10 years. It confirms that more than half of the granted statuses were in the form of subsidiary protection. Approximately one third of applications are rejected, while refugee status was the least common form of granted protection.

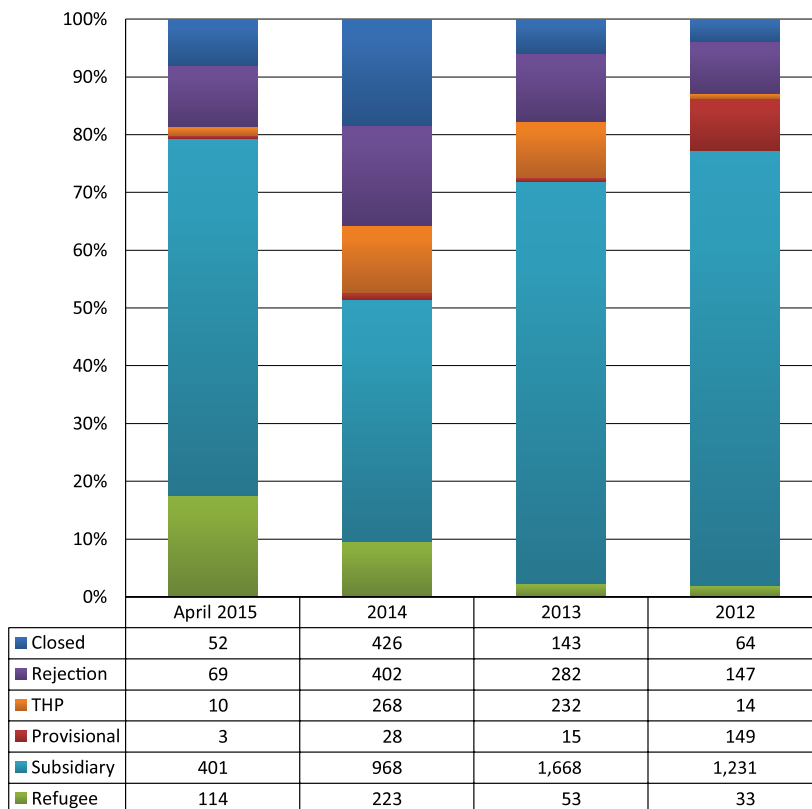
Figure 41: Total granted protection in Malta, 2004–2014



Source: UNHCR Malta, 2015.

Furthermore, Figure 42 shows the decisions of the Refugee Commissioner by the type of granted international protection between 2012 and April 2015. Subsidiary protection was the most common one, while rejection was the second most common decision of asylum applications. Moreover, one notes an increase in the number of persons recognized as refugees in the last two years, partly reflecting the shifting trends with regards to the countries of origin.

Figure 42: Granted statuses in Malta by type, 2012–April 2015



Source: UNHCR Malta, 2015.

A.5. Internal migration

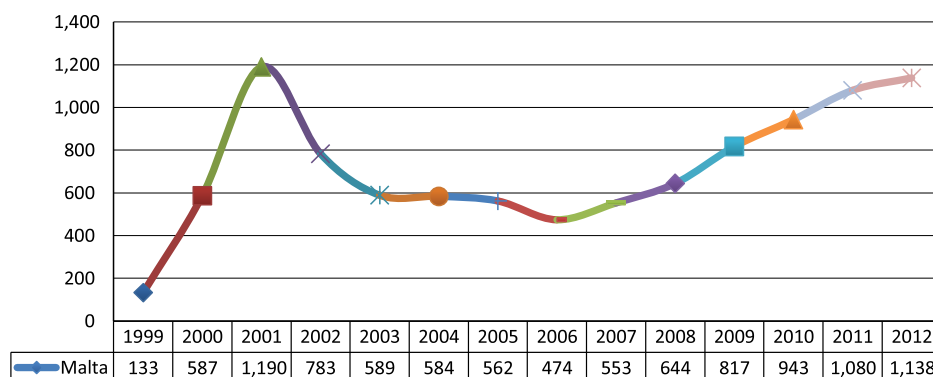
The size of Malta renders the notion of internal migration somewhat superfluous. However, it is interesting to study the degree of inter-island movement, namely from Gozo to Malta and from Malta to Gozo. The former is based primarily on the existence of greater employment, as well as education opportunities in Malta. For example, research conducted in 2011 suggests that many Gozitan young people are forced to make the move to Malta to continue their studies and/or find employment.¹³ Conversely, a number of Maltese people have established residence in Gozo, often after retirement or in the form of an apartment used on weekends.

¹³ A. Azzopardi, *Young People in Gozo, A Study – 2* (OASI Publications, Gozo, Malta, 2011); See also: Ministry for Education and Employment Policy, *National Employment Policy*, May 2014, Section 12.1, p. 103 ff.

A.6.Acquisition of citizenship

The number of foreign nationals acquiring Maltese citizenship increased considerably over recent years. Indeed, Figure 43 indicates that between 2007 and 2012, the numbers almost doubled.

Figure 43: Acquisition of citizenship, 1999–2012



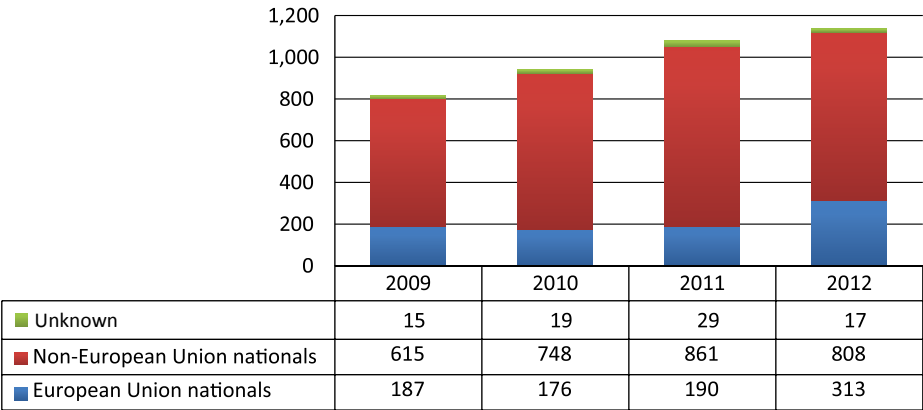
Source: Eurostat, 2015.

Figure 44 depicts the acquisition of citizenship by previous nationality, suggesting that third-country nationals constituted the greatest number of foreign nationals who acquired Maltese citizenship between 2007 and 2012. Contrary to popular belief, Maltese citizenship is not granted to children born in Malta to parents who applied for asylum in the country. Rather, the increase in the number of foreign nationals acquiring Maltese citizenship can be explained by referring to the reforms to the Citizenship Act, whereby, in 2007, dual citizenship was extended to second-generation Maltese born outside Malta. On the other hand, the procedure for the acquisition of Maltese citizenship, as well as the eligibility criteria for citizenship by naturalization have been described as being unclear. Recently, the Government of Malta introduced the Individual Investor Programme (IIP) designed to facilitate the granting of Maltese citizenship to foreign investors and their dependants,¹⁴ a decision subject to national and international criticism.¹⁵

¹⁴ See in this regard: Individual Investor Programme. Available from <http://iip.gov.mt/>

¹⁵ S. Carrera (2014), "How much does European Union citizenship cost? The Maltese citizenship-for-sale affair: A breakthrough for sincere cooperation in citizenship of the union?", *Liberty and Security in Europe*, 64. Available from www.ceps.eu/system/files/LSE%20No%2064%20Price%20of%20EU%20Citizenship%20final2.pdf; See also: M. Dalli, "IIP / Brussels contemplating infringement proceedings against Malta", *Malta Today*, 18 January 2014. Available from www.maltatoday.com.mt/printversion/33227/#.Vu4LYPI96Uk

Figure 44: Acquisition of nationality by previous citizenship, 2009–2012



Source: Eurostat, 2015.

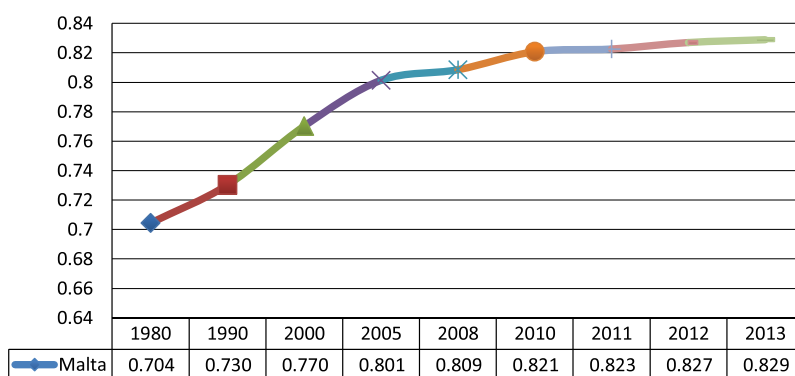
PART B: MIGRATION IMPACT

The following section examines how the Maltese context has been impacted by migration. The analysis addresses a number of key topics, namely the following: (a) human development; (b) poverty and social exclusion; (c) employment and the labour market; (d) social development; (e) education; (f) health; and (g) environment.

B.1. Human development

As reflected in Figure 45, Malta's Human Development Index (HDI) has grown steadily from 1980 to 2013. During this period, Malta witnessed a marked improvement with regards to a number of human development indicators: for instance, life expectancy at birth increased by 6.8 years, mean years of education increased by 2.9 years, and expected years of schooling increased by 2.0 years, whereas Malta's general national income per capita increased by about 104.2. The islands' progress has been consistent. In 2013, Malta was ranked 39 out of 187 countries and territories in terms of HDI. However, in today's increasingly globalized world, migration dynamics are complex, patterns shift at an ever faster rate, and Malta is not immune to this trend.

Figure 45: Malta's Human Development Index, 1980–2013

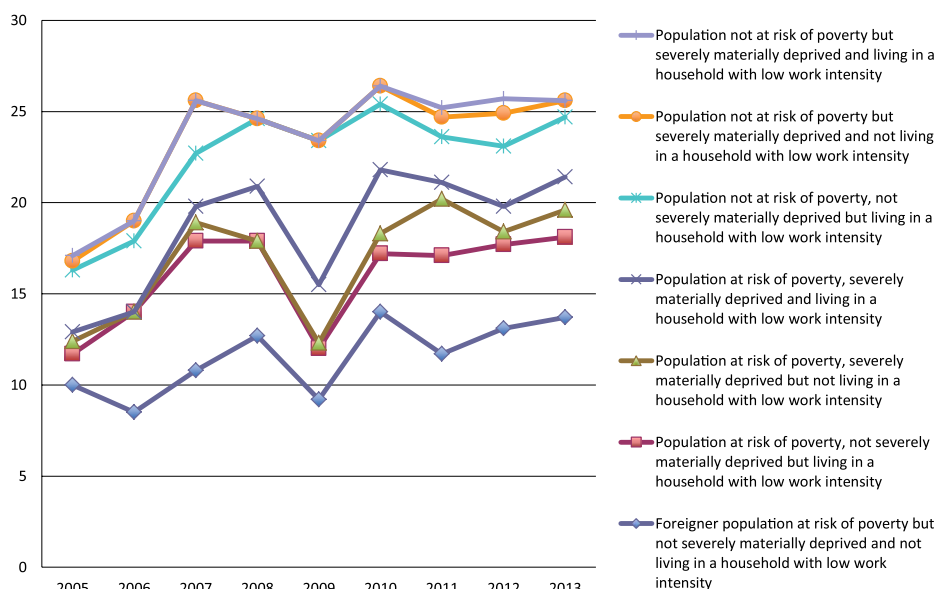


Source: United Nations, 2015.

B.2. Risk of poverty and social exclusion

National plans on social protection and social inclusion apply to migrants, especially third-country nationals and beneficiaries of protection, as one of the categories at risk and thus one of the target populations for measures to combat social exclusion. Figure 46 provides statistics in this regard, focusing on the overall foreign population in Malta. One notes that the percentage of foreign population in Malta at risk of poverty and social exclusion, under various headings, was on the increase between 2005 and 2013, peaking significantly in 2010, after a dip in figures in 2009.

Figure 46: Foreign population at risk of poverty or social exclusion, 2005–2013



Source: Eurostat, 2015.

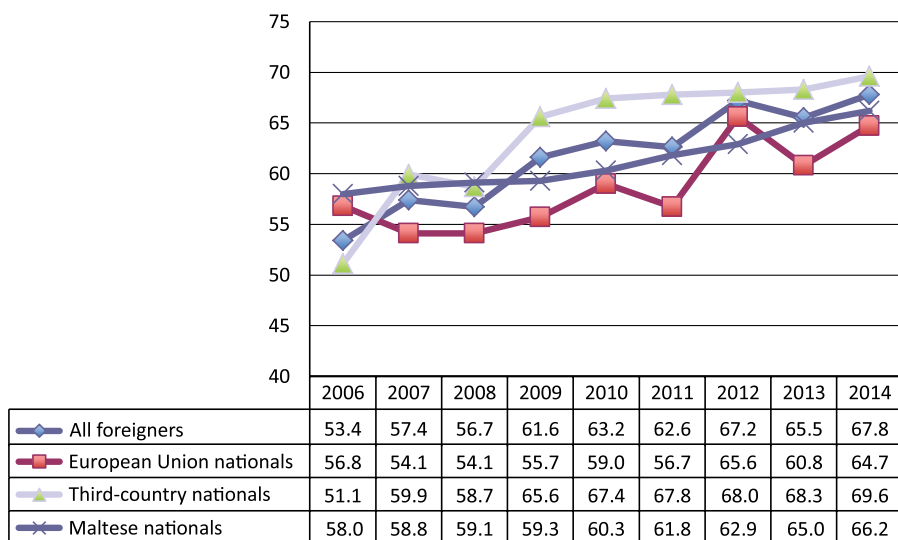
B.3. Employment and labour market

Figure 47 depicts the activity rate of Maltese nationals, European Union nationals and third-country nationals between 2006 and 2014. The activity rate of foreign nationals, in relation to that of Maltese nationals, increased steadily between 2006 and 2014. Among the foreign nationals, the activity rate of third-country nationals saw the greatest increase from 51.1 per cent in 2006 to 69.6 per cent in 2014. It is noteworthy, in this regard, that the Government of Malta

is planning for the establishment of an Immigration Work Office in order to address the issue of illegal job-seeking by migrants and offer them temporary employment.¹⁶

However, a number of researchers have highlighted the lack of consistency in the way statistics and data with regards to migrant workers is being analysed, emphasizing the need for a more nuanced and in-depth understanding of migration research in Malta.¹⁷

Figure 47: Activity rate by broad category of citizenship, 2006–2014



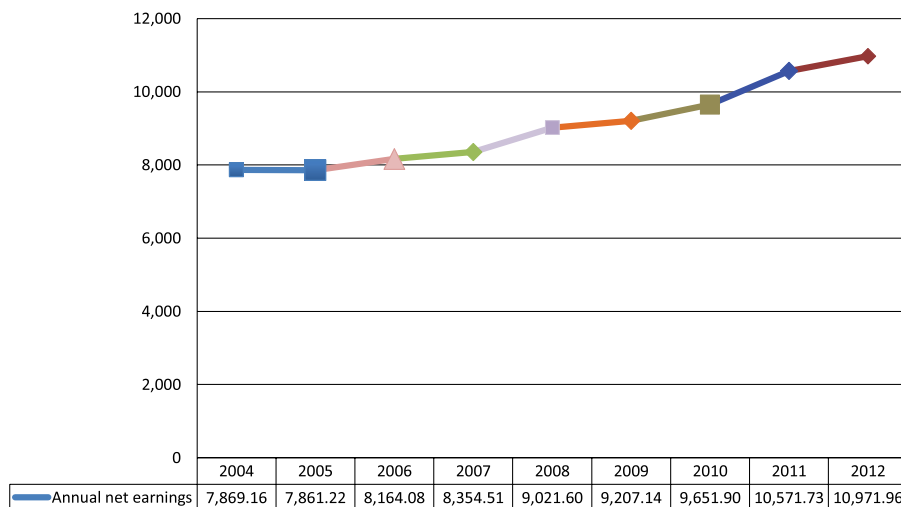
Source: Eurostat, 2015.

Figure 48 provides an overview of the annual net earnings of all foreigners in Malta from 2004 to 2012, the rate of which was steadily increasing.

¹⁶ Ministry for Finance, Budget Document 2016, p. 46, para. 4.4. Available from <https://mfmin.gov.mt/en/The-Budget/Pages/The-Budget-2016.aspx>. See also “Consultation on Immigration Work Office”, Times of Malta, 12 October 2015. Available from www.timesofmalta.com/articles/view/20151012/local/consultation-on-immigration-work-office.587958

¹⁷ See for example M. Debono, Malta: The occupational promotion of migrant workers (Centre for Labour Studies, Malta, 2009). Available from www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/malta/malta-the-occupational-promotion-of-migrant-workers

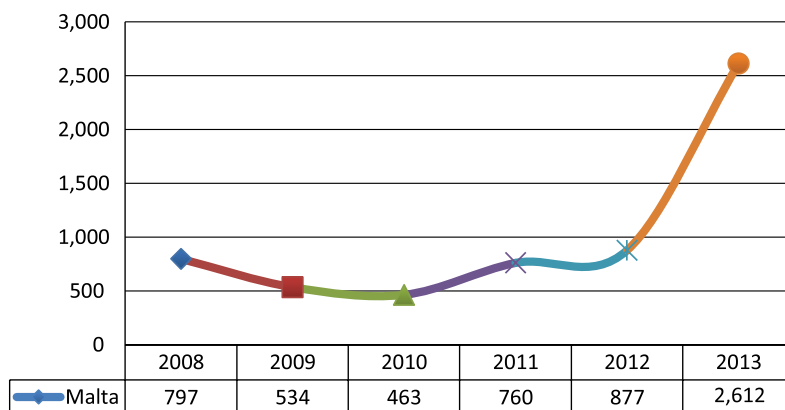
Figure 48: Annual net earnings, 2004–2012



Source: Eurostat, 2015.

Figure 49 below depicts the number of new residence permits for remunerated activities issued to foreign nationals in Malta between 2008 and 2013, suggesting a slight drop in numbers in 2009 and 2010, followed by increases in 2012 and 2013.

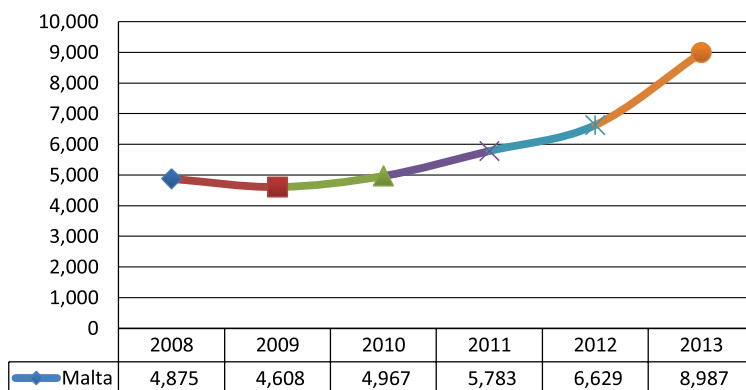
Figure 49: New residence permits for remunerated activities, 2008–2013



Source: Eurostat, 2015.

Figure 50 presents the total number of valid residence permits for every year between 2008 and 2013, although not necessarily issued during that year. One notes a steady increase in the number of permits over the years.

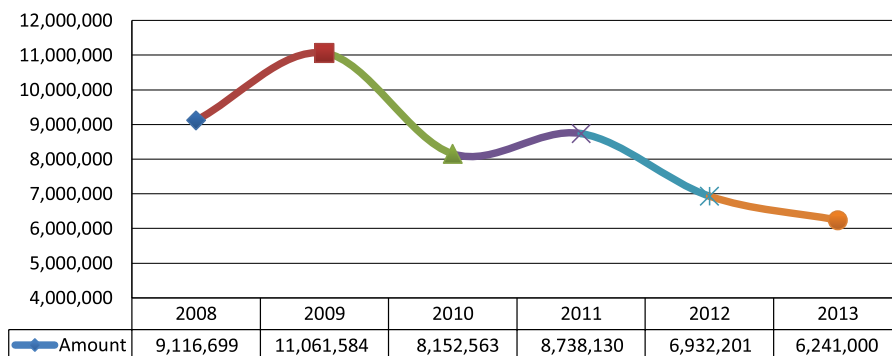
Figure 50: Total valid residence permits, 2008–2013



Source: Eurostat, 2015.

B.4. Social security

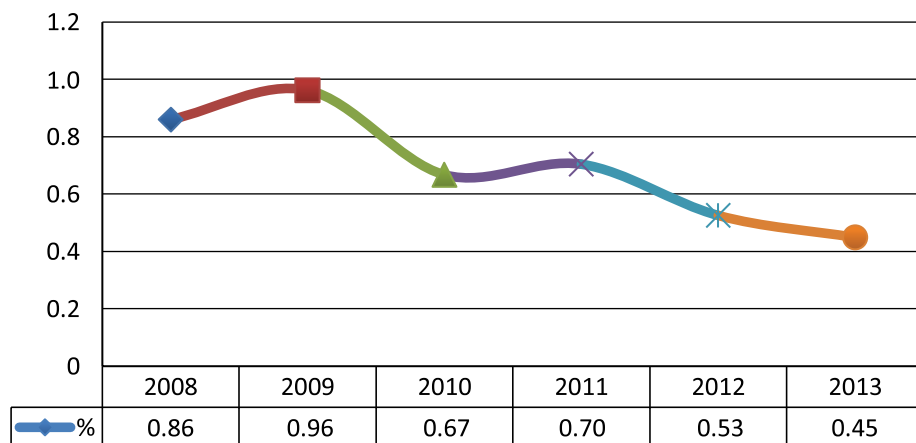
Figure 51: Social security expenditure on third-country nationals and refugees, 2008–2013



Source: NSO, 2015.

Figure 51 shows social security expenditure on third-country nationals and refugees in Malta for the period 2008–2013. This decline in spending is interesting, considering that overall expenditure on social security in Malta was on the increase over the same period. Figure 52 illustrates expenditure on third-country nationals and refugees as a percentage of total social security expenditure. It is notable that the percentage decreased from 0.96 in 2009 to 0.45 in 2013.

Figure 52: Social security expenditure on third-country nationals and refugees as a percentage of total, 2008–2013

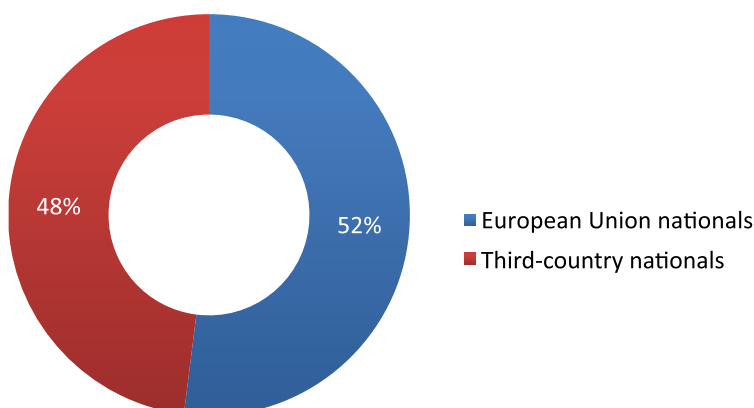


Source: NSO, 2015.

B.5. Education

In 2013, there were a total of 779 foreign students registered in Maltese schools; among them, 408 European Union nationals and 371 third-country nationals. Figure 53 provides the breakdown of this number by broad category of citizenship. Contrary to popular discourse, it is interesting to note the divide between European Union nationals and non-European Union nationals, with European Union nationals making up 53 per cent of the total number of registrations and non-European Union nationals making up 48 per cent. Increasing diversity within Maltese schools, particularly in certain areas of Malta, where there appears to be a higher percentage of migrants living within a given locality, has received considerable attention over the past few years. Related challenges include working in a multilingual, multi-ethnic classroom, working with new migrant trajectories, as well as providing orientation for new students and their families or carers. More recently, a number of new initiatives have been introduced to address these challenges. For example, 2014 saw the introduction of Ethics as a subject for students in State schools who prefer not to study religion (understood as Catholicism).

Figure 53: Foreign student registration in Maltese schools by broad category of citizenship, 2013



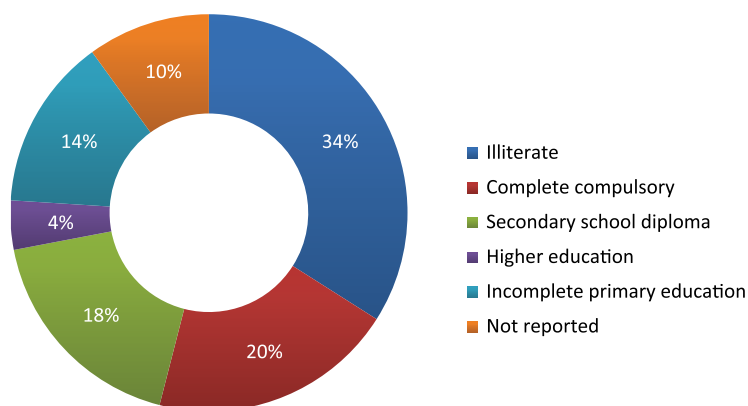
Source: Eurostat, 2015.

Research carried out in a different context (health care) and focusing on asylum-seekers living within the open and closed centres also assessed the level of education.¹⁸ The results, based on a total of 2,216 respondents, are illustrated in Figure 54 below. It should be noted that the “incomplete primary” category refers to anyone who has completed less than five years of primary education and, therefore, includes 197 children who are still in the education system and attending school. While the findings demonstrate a broad spectrum of educational experiences and levels of attainment, the results also highlight a high level of illiteracy among residents in the open centres. This is often due to the conditions in countries of origin that many of the asylum-seekers had left behind. In the case of Somalia, for example, a long and protracted civil war led to the complete destruction of the education system, thus limiting educational opportunities for the majority of young people growing up in Somalia over the past 20 years. Lack of education, language and literacy skills (that further intersects with, inter alia, gender, ethnicity and age) also impacts on access to employment and the resources necessary to move out of the open centres, thus reproducing social exclusion.¹⁹

¹⁸ V. Padovese et al. (2013), Migration and determinants of health: Clinical epidemiological characteristics of migrants in Malta (2010–11), *Journal of Public Health*, 36(3):368–374.

¹⁹ See for example M. Pisani (2012), Addressing the ‘citizenship assumption’ in critical pedagogy: Exploring the case of rejected female sub-Saharan African asylum-seekers in Malta, *Power and Education*, 4(2).

Figure 54: Education level of asylum-seekers



Source: Padovese et al., 2013.

Health

There is very little data and assessment of issues of migration and health in Malta.²⁰ What is available is limited to the situation of asylum-seekers and largely of those living within institutional accommodation (that is, either closed or open centres). For instance, Table 1 provides the number of hospital admissions of asylum-seekers by reason for 2011 and 2012.

Table 1: Number of hospital admission by reason of asylum-seekers, 2011–2012

Number of admissions		
Department	2011	2012
Accident and Emergency	6	17
Anaesthesia	1	0
Cardiac Services	0	3
Dental	0	3
Medicine	62	79
Neurosciences	2	5
Obstetrics and Gynaecology	92	87
Ophthalmology	3	4
Orthopaedics	11	14
Paediatrics	18	11
Surgery	43	53
Total	238	276

Source: Department of Health, Government of Malta, 2015.

²⁰ See, for example, Eurostat (2015), Healthcare statistics. Available from http://ec.europa.eu/eurostat/statistics-explained/index.php/Healthcare_statistics

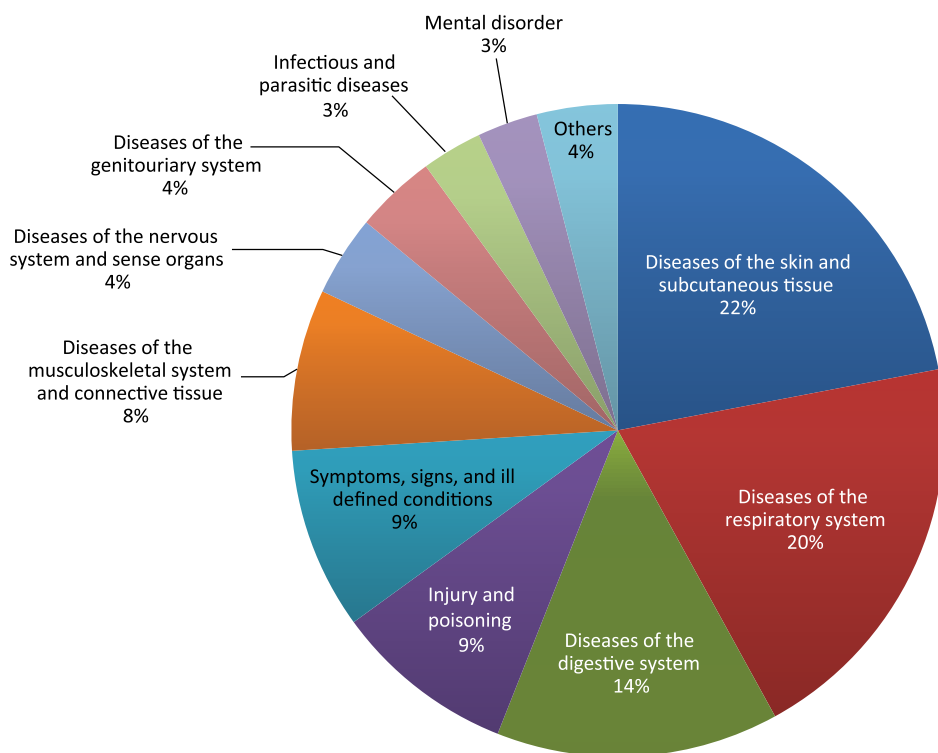
On the basis of a set of indicators, the latest edition of the Migrant Integration Policy Index (MIPEX) found that Malta's migrant health policy creates both opportunities and obstacles to properly treat migrant patients. Many categories of migrants lack clear entitlements to health-care coverage in Malta. On the other hand, migrants who are able to access or pay for health-care coverage will find that a number of services have become more accessible and responsive to their specific health needs, thanks to the actions led by the Migrant Health Liaison Office since 2008. According to MIPEX, these changes have made services at least halfway accessible and responsive, which is typical for the average Western European country.²¹

A clinical research study was conducted in the framework of the European Union project "Mare Nostrum".²² Out of the 2,216 migrants included in the study, 82.7 per cent were males, their mean age was 25 years, and 70.1 per cent were from Somalia. Out of the total females, 42.5 per cent had undergone some type of female genital mutilation. A total of 5,077 diagnoses were set. As illustrated in Figure 55, the most commonly diagnosed were skin diseases (21.9%), respiratory diseases (19.8%) and gastroenteric diseases (14.2%). 31 per cent of migrants reported good health conditions. Furthermore, the research found that the health condition of migrants residing in the open centres was mostly related to environmental factors, including poor hygiene, overcrowding and dampness. The research also called for an improvement in migrants' living conditions.

²¹ See www.mipex.eu/malta

²² Padovese et al., 2013.

Figure 55: Distribution of diagnosis by categories



Source: Padovese et al., 2013.

Furthermore, research carried out by the European Union Fundamental Rights Agency (FRA) as part of its Minorities and Discrimination Survey found that 17 per cent of respondents from Malta (of African origin) had experienced discrimination by a health-care professional in the 12 months immediately preceding the interview.²³

B.7. Environment

Malta is the most densely populated country in Europe. This, combined with Malta's small size, is often used as a justification for anti-immigrant statements. However, to date, no assessments of the potential impact of migration on the Maltese environment have been carried out. Certainly, given Malta's size and population density, over the past 12 years, the number of arrivals of migrants to

²³ European Union Minorities and Discrimination Survey (EU-MIDIS): Main Results Report (European Union Agency for Fundamental Rights, Vienna, 2009). Available from http://fra.europa.eu/sites/default/files/eu-midis_technical_report.pdf

Malta has been considerable. In 2013, for example, Malta recorded the highest number of asylum-seekers compared to national population (20.2 applicants per 1,000 inhabitants). However, as previously noted, the majority of asylum-seekers arriving in Malta over the past few years appear to have left the islands, whereas the majority of migrants living in Malta are European Union citizens.²⁴ This would suggest that, if a meaningful discussion is to be held on the environmental impact of migration, it would necessarily need to reflect the actual scenario and thus to consider the impact of European Union migration, the broader third-country national population, and the impact of schemes such as the Malta Investment Programme. Issues related to, inter alia, the development of more residences and high-rise buildings in popular coastal areas, poverty and the development of ethnic clusters in deprived urban areas are also of particular relevance in this context.

²⁴ UNHCR Malta (2014) states that based on UNHCR estimates, less than 30 per cent of the around 19,000 individuals who arrived in Malta by boat remained in Malta.

PART C: MIGRATION GOVERNANCE

At the national level, the last decade has seen extensive legislative, policy and institutional developments aimed at managing migration flows, most notably relating to the arrival of asylum-seekers and irregular migrants via the maritime routes. Two specific aspects have had a major impact on the migration governance model in this regard. First, inward forced migration, particularly of sub-Saharan asylum-seekers leaving the North African coast, was a new reality for Malta in the early 2000s and one that required considerable replanning of some of its migration management options. Second, Malta's accession to the European Union in 2004 meant that a number of legislative and policy developments had to be put in place in order to meet the requirements of the European Union Asylum Acquis. European Union membership involved the creation of a new system for dealing with migration from other European Union Member States, the adoption of an array of migration and asylum laws, as well as the development of the infrastructure to meet the requirements of membership in the Schengen area. This section provides an overview of the legislation regulating migration in Malta, as well as the policy and institutional framework.

C.I. Legislation

Migration into Malta is regulated by a number of legal instruments, most notable among which is the Immigration Act and subsidiary legislation issued under it, the Refugee Act and its subsidiary legislation, and the European Union Act and subsidiary legislation emanating from it. The issue of naturalization is addressed under the Citizenship Act.

C.I.I. Emigration

There are no laws regulating emigration from Malta, except in so far as emigration occurs in an irregular manner or in the context of human trafficking or otherwise for the purposes of prostitution. Migrant smuggling out of Malta is also a criminal offence. These latter cases are considered under the Maltese Criminal Law, most notably the Criminal Code and the White Slave Traffic Ordinance.²⁵ Furthermore, a number of other laws impact on the rights of Maltese emigrants

²⁵ Criminal Code, Chapter 9 of the Laws of Malta, articles 204, 205, 208AB, 248A–248G, 337A; White Slave Traffic (Suppression) Ordinance, Chapter 63 of the Laws of Malta, article 3.

abroad, including the possibility of dual citizenship.²⁶ A law setting up a Council for Maltese living abroad was enacted in 2011 and is discussed below.

C.1.2. Return migration

Malta does not have specific legislation regulating return migration. However, the Immigration Act stipulates that Maltese nationals are exempted from all the immigration law requirements and are therefore free to re-enter and re-establish themselves in Malta without any hindrance.²⁷

C.1.3. Immigration

The Immigration Act, Chapter 217 of the Laws of Malta, provides the primary basis of immigration legislation in Malta. The act includes a number of provisions regarding the following:

- The appointment, functions and competences of the Principle Immigration Officer and the Immigration Appeals Board (articles 3, 6, 25A and 27);
- The categories of persons exempt from immigration requirements (article 4);
- The national implementation of the relevant European Union Treaties and the Schengen acquis, most notably with regards to the free movement of persons (article 4A);
- The definition and regulation of the situation of prohibited migrants, including issuance and effects of removal and deportation orders (articles 5, 14 and 22);
- The possibility of detention as a migration control measure, and the power of the minister responsible for Immigration to establish a detention service (articles 10, 22 and 34);
- The issuance and conditions of residence permits and visas (articles 7 and 8);
- Carrier sanctions (article 15);
- The mutual recognition of expulsion orders issued in other European countries (article 23); and
- A series of immigration related offences and the relevant penalties (article 32).

²⁶ Maltese Citizenship Act, Chapter 188 of the Laws of Malta, articles 7, 9.

²⁷ Immigration Act, Chapter 217 of the Laws of Malta, article 4(1)(a).

The Act is supplemented by a series of subsidiary legislation, including the Immigration Regulations.²⁸ The latter are based on their direct equivalents under the European Union Law and cover migration for specific purposes, including migration for the purposes of study, research, as well as highly skilled migration and the issuance of the European Union Blue Card. At the time of writing, the Immigration Act was under review.

C.I.4. European Union nationals

Nationals of other European Union Member States enjoy freedom of movement in Malta. The Immigration Act grants the power to the Minister responsible for Immigration to issue regulations giving effect to relevant European Union legislation or to any Border Agreement to which Malta may be a party, and in particular with regards to the right of nationals of other European Union Member States to reside and work in Malta.²⁹ The regulation that deserves specific mention is the Free Movement of European Union Nationals and their Family Members Order.³⁰ This order implements, *inter alia*, the provisions of Directive 2004/38/EC of the European Parliament and of the Council of the 29 April 2004.³¹ This order applies to all Union citizens, other than Maltese nationals, who move to or reside in Malta, as well as to their family members or other family members as defined in the order, who accompany or join them.

C.I.5. Long-term residence

Access to long-term residence is regulated by the Immigration Act and the Status of Long-Term Residents Regulations.³² The stated purpose of these regulations is to implement the provisions of Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents and Directive 2011/51/EU, which extended the provisions of the latter to persons granted international protection.³³ The aforementioned regulations determine the terms for conferring and withdrawing long-term resident status

²⁸ See Annex V.

²⁹ Immigration Act, Chapter 217 of the Laws of Malta, article 4A.

³⁰ S.L. 460.17, L.N. 191/2007, Free Movement of European Union Nationals and their Family Members Order, 2007.

³¹ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

³² Immigration Act, Chapter 217 of the Laws of Malta, articles 4A, 7, 25A; S.L. 217.05, L.N. 278/2006, Status of Long-term Residents (Third-country Nationals) Regulations, 2006, as amended by L.N. 370/2010 and L.N. 197/2014, articles 4, 6, 8, 9 and 13.

³³ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, as amended by Directive 2011/51/EU of the European Parliament and the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection.

granted in relation to third-country nationals legally residing in Malta, as well as the rights pertaining thereto. Another issue taken into consideration is the terms of residence of a third-country national who was conferred the status of long-term resident in another European Union Member State.

C.1.6. Human trafficking

Legislation around the issue of human trafficking is divided into the criminal law provisions and the immigration law provisions. The former are enshrined in the Criminal Code that provides definitions of the key terms and establishes the crime of human trafficking, its aggravating circumstances, as well as the jurisdiction of the Maltese courts to prosecute and convict the offender.³⁴ These provisions meet the requirements emanating from the criminal law provisions in international and European instruments, including the Palermo Protocol, the Council of Europe (COE) Convention on Action against Trafficking in Human Beings and the European Union Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.³⁵

The immigration law provisions, enshrined in the Permission to Reside for Victims of Trafficking or Illegal Immigration who Cooperate with the Maltese Authorities Regulations, provide for the granting of a reflection period and residence permit for trafficked persons who cooperate with the authorities.³⁶ The provisions may be extended to smuggled migrants who similarly provide useful information to the authorities. Both sets of provisions are related to the European Union legislation in the area, as well as to the COE Convention.³⁷

C.1.7. Migrant smuggling

Migrant smuggling is criminalized under the Maltese Criminal Code,³⁸ which is based on the corresponding provisions of the Protocol against the Smuggling of

³⁴ Criminal Code, Chapter 9 of the Laws of Malta, articles 248A–248G.

³⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (also known as the Palermo Protocol), 2000, *United Nations Treaty Series* No. 39574, article 5; Council of Europe Convention on Action against Trafficking in Human Beings, 2005, *Council of Europe Treaty Series* No. 197, article 5; Directive 2011/36/EU of the European Parliament and the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, article 2.

³⁶ Immigration Act, Chapter 217 of the Laws of Malta, article 14; S.L. 217.07, L.N. 175/2007, Permission to Reside for Victims of Trafficking or Illegal Immigration who Cooperate with the Maltese Authorities Regulations, 2007, articles 3 and 5.

³⁷ Council of Europe Convention on Action against Trafficking in Human Beings, *supra* note 36, articles 13 and 14; Directive 2011/36/EU, *supra* note 36, article 11 para. 6; Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, articles 6 and 8.

³⁸ Criminal Code, Chapter 9 of the Laws of Malta, articles 337A and 337AA.

Migrants by Land, Sea and Air.³⁹ The Criminal Code includes provisions regarding the content of the crime of migrant smuggling, the jurisdiction of the courts, the possibility of corporate liability, and the aggravating circumstances of the crime.

In line with the requirements of European Union law, the Maltese law also provides for the possibility of a residence permit for smuggled migrants who cooperate with the authorities in the investigation and prosecution of the smugglers. This possibility and the conditions thereof are enshrined in the Permission to Reside for Victims of Trafficking or Illegal Immigration who Cooperate with the Maltese Authorities Regulations.⁴⁰

C.I.8. Family reunification

The possibility of and the process towards family reunification in Malta is regulated by the Family Reunification Regulations adopted in 2007.⁴¹ The purpose of these regulations is to implement the provisions of the Council Directive 2003/86/EC on the right to family reunification.⁴² For the purposes of the regulations, “family reunification” refers to the entry into and residence in Malta by family members of a third-country national residing lawfully in Malta in order to preserve the family unit, whether the family relationship arose before or after the resident’s entry. The regulations include provisions regarding the eligibility and conditions for family reunification, the application process, criteria for exclusion, as well as the withdrawal or refusal to renew the relevant permit.⁴³

C.I.9. Migration for the purpose of study

Migration of third-country nationals for the purpose of study is regulated by the Conditions of Admission of third-country nationals for the Purposes of Studies Regulations, which were adopted in 2008.⁴⁴ The purpose of these regulations is to determine the conditions and rules for the admission of third-country nationals to Malta for a period exceeding three months for the purpose

³⁹ Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Smuggling of Migrants Protocol), 2000, United Nations Treaty Series No. 39574, article 6.

⁴⁰ Permission to Reside for Victims of Trafficking or Illegal Immigration who Cooperate with the Maltese Authorities Regulations, *supra* note 37, article 1 para. 2; Council Directive 2004/81/EC, *supra* note 38, article 3 para. 2.

⁴¹ S.L. 217.06, L.N. 150/2007, Family Reunification Regulations, 2007.

⁴² Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification.

⁴³ See in this regard: Cassar and Gauci, 2015; Family Reunification: Overview of the Legal Context, People for Change and International Organization for Migration, 2015.

⁴⁴ S.L. 217.09, L.N. 29/2008, Conditions of Admission of third-country nationals for the Purposes of Studies Regulations, 2008.

of study. They transpose Council Directive 2004/114/EC requiring Member States to take measures relating to the conditions of admission of third-country nationals for the purpose of study, pupil exchange, unremunerated training or voluntary services.⁴⁵ The regulations cover the conditions for entry under this specialized regime, the issues of mobility of students, the issuance of residence permits and their withdrawal or non-renewal, as well as procedural guarantees and transparency provisions. The regulations also include provisions regarding the economic activities of students.

C.I.I.10. Migration for the purposes of scientific research

Immigration for the purposes of scientific research is regulated by the third-country nationals for Scientific Research Purposes (Specific Admittance Procedure) Regulations.⁴⁶ The purpose of these regulations is to determine the conditions for the admission of third-country national researchers to Malta for a period of more than three months to carry out a research project under a hosting agreement with a research organization. These regulations transpose the provisions of Council Directive 2005/71/EC.⁴⁷ The regulations determine the scope of their application, the approval of research organizations, the admission of researchers, the issuance and withdrawal of residence permits, the rights of researchers while in Malta, as well as procedural safeguards provided herein.

C.I.I.11. Return

While the Immigration Act includes provisions regarding the issuance of a removal and deportation order, the details pertaining to the removal of prohibited migrants are established by the Common Standards and Procedures for Returning Illegally Staying TCN Regulations.⁴⁸ These regulations transpose Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals, in accordance with fundamental rights as general principles of community law, as well as international law, including refugee protection, human rights obligations and the principle of non-refoulement. In particular, the regulations cover issues relating to the issuance of the return decision, voluntary departure, enforced removal,

⁴⁵ Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service.

⁴⁶ S.L. 217.10, L.N. 102/2008, Third-Country Nationals for Scientific Research Purposes (Specific Admittance Procedure) Regulations, 2008.

⁴⁷ Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.

⁴⁸ Immigration Act, Chapter 217 of the Laws of Malta, articles 14 and 22; S.L. 217.12, L.N. 81/2011, Common Standards and Procedures for Returning Illegally Staying TCN Regulations, 2011, as amended by L.N. 15/2014.

issuance of entry bans, detention of minors and families with minors.⁴⁹ The regulations also provide for special procedural safeguards.

C.1.12. Visa legislation

In a number of areas, relevant European Union regulations apply directly, including, for instance, the European Visa Code that is applied in Malta by the Central Visa Unit to which reference will be made later in this report.

C.1.13. Access to citizenship

The possibility and conditions for naturalization as a Maltese citizen are regulated by the Citizenship Act and subsidiary legislation issued thereunder.⁵⁰ The act does not differentiate between nationals and non-nationals of the European Union in terms of access to citizenship. The Maltese law currently provides for the possibility of acquiring citizenship by means of considerable investment. The relevant provisions are enshrined in the Individual Investor Programme Regulations.⁵¹ It should be noted that, generally, concerns have been raised about Malta's citizenship legislation.⁵²

C.2. Policies

There is very little written policy in the context of migration governance in Malta. This notwithstanding, there are a number of trends that can be distinguished in the Maltese legal system.

One area where policies have been adopted is human trafficking, with the adoption of three subsequent Action Plans on Combating Trafficking in Persons covering 2011–2012, 2013–2014 and 2015–2016, respectively.⁵³

⁴⁹ Directive 2008/115/EC of the European Parliament and the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

⁵⁰ Maltese Citizenship Act, Chapter 188 of the Laws of Malta, articles 10–12.

⁵¹ S.L. 188.03, L.N. 47/2014, Individual Investor Programme of the Republic of Malta Regulations, 2014, articles 3–5.

⁵² See for example: European Commission against Racism and Intolerance (2013) ECRI Report on Malta, p. 7 and UNHCR's submission to the scoping consultation by the Government of Malta's Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, *Towards a Robust Human Rights and Equality Framework*, Submissions Report (Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, Valletta, Malta, 2014), p. 8.

⁵³ Ministry for Home Affairs and National Security, *Trafficking in Human Beings* (n.d.). Available from <https://homeaffairs.gov.mt/en/MHAS-Information/Pages/Human-Trafficking.aspx#>

In 2005, the then Ministry for Justice and Home Affairs (currently the MHAS) and the Ministry for the Family and Social Solidarity published the first policy document in relation to integration of migrants in Malta, which was specifically related to asylum-seekers.⁵⁴ This policy document is now obsolete and rarely referred to in contemporary policy discourse and service provision. As the arrivals of asylum-seekers (predominantly by air) continue and the makeup of the arrivals becomes more diverse, the institutional setup and service provision continues to evolve in order to cater for the changing trends.

Despite this, the need for a more comprehensive integration policy, which would include the broader migrant population in Malta, remains. At the time of writing, Malta did not have an integration policy, although a consultation had been undertaken for the development of an integration strategy.⁵⁵ As the findings of this research demonstrate, and indeed, as has been reported elsewhere, more work needs to be done in relation to developing a long-term strategy for integration in Malta.⁵⁶ In order to ensure an inclusive society, the engagement of migrants themselves in the development of such a policy is necessary. Furthermore, evidence-based research that provides a more nuanced understanding of the local context is paramount in order to ensure that policy is grounded in the present-day realities and reflects the diverse and multifaceted nature of the migrant population in Malta.

Regarding the issue of detention of asylum-seekers and irregular migrants arriving in Malta, the Government of Malta reviewed its past policy and shifted to a new strategy titled Strategy for the Reception of Asylum-Seekers and Irregular Migrants, as discussed further below.

C.3. International cooperation

Malta's Development Policy highlights the link between migration and development by including migration as one of the 10 areas of focus of Malta's development work. Development assistance prioritizes the Horn of Africa region, since the majority of third-country nationals seeking asylum in Malta come from that region.

The establishment of Malta's Official Development Assistance Policy in 2007, after accession into the European Union, created formal policies addressing

⁵⁴ Ministry for Justice and Home Affairs, Ministry for the Family and Social Solidarity, *Malta: Irregular Immigrants, Refugees and Integration* Policy Document (2005). Available from www.refworld.org/docid/51b197484.html

⁵⁵ Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, *Towards a National Migrant Integration Strategy 2015–2020*, Framework Document (2015). Available from http://socialdialogue.gov.mt/en/Public_Consultations/MSDC/Documents/2015_-_Integration/MSD_Report_booklet_JF_rev4.pdf

⁵⁶ See for example C. Camilleri and N. Falzon, *Malta Integration Network: A way forward for a National Integration Policy in Malta* (Aditus Foundation, Valletta, Malta, 2014).

humanitarian and development assistance. The founding aim of this policy is to empower individuals to better the world they live in through emphasis on values, such as solidarity, compassion and goodwill. Overall, the revision of Malta's Official Development Assistance Policy seeks to be forward-looking and plans for Malta to play a more participatory role in achieving the main goal of poverty reduction with the complementary goals of promoting democracy and good governance, increasing respect for human rights globally, and ensuring the stability and development of developing countries.⁵⁷

Malta's revised Official Development Assistance Policy reflects a number of links to migration that are of interest for the purpose of this report. Empowerment, which is the underlining feature of the policy, demonstrates the need to ensure that migration policies are non-discriminatory and that assistance programs aim to empower individuals in both their home and host countries, in an effort to further develop local capacities and face emerging challenges successfully and sustainably. Humanitarian and development assistance need to follow the value of solidarity with all States and regions cooperating and working together to address migrants' needs, as well as that of countries of origin and host countries. Such assistance should also reflect the respect for human life and dignity, indicating an obligation for Malta to approach the migration and refugee crises accordingly. Poverty reduction, which is the main aim of this policy, has clear implications on the need and nature of migration, as appropriate assistance is provided, addressing both the benefits and costs of migration in regards to the eradication of poverty in developing home countries. Lastly, a focus on democracy and good governance in assistance programs can ensure the protection of human rights as individuals migrate, while also minimizing the need for those in beneficiary countries to leave their home countries.

Beyond overseas development assistance, Malta has also prioritized migration in its foreign policy more broadly. In 2015, it hosted the European Union–Africa Summit⁵⁸ (also known as the Valletta summit) and has consistently raised the issue of migration in its international affairs. Furthermore, over the last decade, Malta has sought and finalized readmission arrangements with a number of countries, including Nigeria and Ghana.⁵⁹

⁵⁷ Ministry for Foreign Affairs, *Official Development Assistance Policy and a Framework for Humanitarian Assistance 2014–2020*. Available from <https://foreignaffairs.gov.mt/en/Documents/ODA%20Policy.pdf>, p. 4.

⁵⁸ See the Action Plan and the Political Declaration of the Valletta Summit on Migration, 11–12 November 2015. Available from www.consilium.europa.eu/en/meetings/international-summit/2015/11/11-12/

⁵⁹ Government of Malta, Memorandum of Understanding (MOU) on Migration Matters between the Government of the Republic of Malta and the Government of the Federal Republic of Nigeria, signed on 3 April 2014. Available from <https://foreignaffairs.gov.mt/en/Treaties%20Series/Documents/Nigeria%20,%203rd%20April%202014.pdf>; Government of Malta, Memorandum of Understanding between the Government of the Republic of Malta and the Government of the Republic of Ghana on the Establishment of a Permanent Joint Commission for Bilateral Cooperation, signed on 26 September 2014. Available from <https://foreignaffairs.gov.mt/en/Treaties%20Series/Documents/MoU%20Joint%20Commission%20Ghana.pdf>

C.4. Institutions

Since 2002, the Government of Malta has been undergoing many challenges and adjustments in the areas of undocumented migration and asylum, due to the high demand placed on its relatively small institutions and organizations and the significant number of arrivals, many of whom apply for asylum.

C.5. Ministry for Home Affairs and National Security

The MHAS oversees many different entities responsible for various aspects of the migration management model adopted by Malta, such as the following: (a) Police Force, which is also responsible for immigration control; (b) Armed Forces of Malta that carry out border management duties; (c) Central Visa Unit and the Department of Citizenship and Expatriate Affairs; and (d) Office of the Refugee Commissioner. Other ministries, including the ministries responsible for Education, Employment and Civil Liberties, are also involved in migration management and play an important role especially with regards to integration.

Identity Malta Agency, which also operates under the auspices of the Ministry for Home Affairs and National Security, receives and processes residence applications of non-Maltese citizens who intend to reside legally in Malta for a period longer than three months. The mission of the Department of Citizenship and Expatriate Affairs, now part of Identity Malta, is to implement the Citizenship and Immigration legislation and policies in an effective and efficient manner. The department is responsible for issuing residence permits to third-country nationals, registration certificates to European Union nationals, and residence cards to their family members who are third-country nationals. The department also has the responsibility for confirming the entitlement to the “exempt person” status and the “freedom of movement” to the foreign spouses and children of citizens of Malta. It also implements citizenship legislation and regulations.

The Central Visa Unit is the Government’s central immigration authority responsible for the provisions of the Schengen acquis, as well as the implementation of the European Union visa policy through the management of visa issuance procedures in all of Malta’s diplomatic and consular representations. It is a key actor (together with the Immigration Police and the Security Services) in the authorization procedures of visa issuance to third-country nationals that require such entry clearance.

The Immigration Section of the Police carries out immigration border control. The key responsibilities of the Immigration Police include, on the one hand, the apprehension, investigation, identification and removal of undocumented foreigners, and, on the other hand, border control, including border checks at the official border crossing points aimed at detecting irregular migration and entry, as well as false documents. Immigration officers, together with civilian officers, are deployed at various points of entry. Moreover, the Immigration Police is in charge of the implementation of forced return operations from Malta. It is also involved in visa processing. Another section within the Malta Police Force is charged with investigating human trafficking. The Commissioner of Police is, ex officio, the Principal Immigration Officer.

The Armed Forces of Malta (AFM) contributes to border protection where maritime and territorial surveillance is concerned. They are responsible for search-and-rescue operations and maritime interception. When conducting maritime border patrol operations, the AFM undertakes the responsibilities that the Malta Police Force has in terms of immigration control, until such time as apprehended persons can be passed on to the Malta Police Force for further processing.

The Office of the Refugee Commissioner is set up by virtue of the Refugee Act and the primary office responsible for the refugee status determination procedures. Under Article 4(2) of the Refugee Act, the Refugee Commissioner shall be appointed by the Prime Minister from among public officers or persons who, in each case, in the opinion of the Prime Minister, have knowledge and experience in matters relating to refugees. The Refugee Commissioner makes a recommendation to the Minister for Home Affairs and National Security regarding whether a particular applicant should be granted some form of international protection. The Office of the Refugee Commissioner has seen considerable improvements over recent years, including a constant increase in staff. At present, the staff complement consists of the Refugee Commissioner, Assistant Refugee Commissioner, Asylum Determination Officers, Head of Administration, four clerks and one auxiliary. Project staff is also recruited on a project basis.

The Refugee Appeals Board (RAB) decides on the appeals against the recommendations of the Refugee Commissioner. The board is set up under Part III of the Refugees Act and consists of a chairperson and two other members who are appointed by the Prime Minister from among persons of known integrity who appear to him to be qualified by reason of having had experience of, and shown capacity in matters deemed appropriate for the purpose. In practice, there are now six chambers of the RAB, each composed of three members, as per the requirement detailed above.

The Immigration Appeals Board is set up under Article 25A of the Immigration Act. It consists of a lawyer who shall preside, and two members versed in immigration matters, each of whom shall be appointed by the President on the advice of the minister responsible for immigration. The minister may prescribe by regulations that the board shall consist of more than one division, each composed of a chairperson and two other members as aforesaid. Currently, there are two divisions of the board.

Detention Services were set up to cater for the operation of all closed accommodation centres, to provide secure and humane accommodation for detained persons and maintain a safe and secure environment. In the past, much controversy arose in respect to this policy and detention conditions in Malta expressed from various quarters,⁶⁰ including two rulings of the European Court of Human Rights (ECtHR), which declared that Malta was in breach of its international obligations under the European Convention of Human Rights (ECHR) in respect to the prohibition of torture (article 3 of the ECHR) and the right to liberty and security (article 5 of the ECHR).⁶¹ However, in recent times, the policy adopted is to move away from the Detention Policy and rather focus on improving reception conditions. To this effect, the Strategy for the Reception of Asylum-seekers and Irregular Migrants⁶² was recently adopted in line with the relevant national and European legislation on reception conditions and return of illegally staying third-country nationals.⁶³ This strategy provides guidelines for the procedure to be followed by the police and health authorities upon arrival of all persons entering Malta in a regular or irregular way and, most importantly, for their accommodation. In this regard, the strategy determines that all persons are to be accommodated in the Initial Reception Facility for a limited period, on

⁶⁰ See for example: Human Rights Watch, *Boat Ride to Detention: Adult and Child Migrants in Malta* (Human Rights Watch, New York, 2012). Available from www.hrw.org/sites/default/files/reports/malta0712webwcover.pdf

⁶¹ *Aden Ahmed v. Malta*, no. 55352/12, ECtHR 2013 and *Suso Musa v. Malta*, no. 42337/12, ECtHR 2013. In the first ruling, the court held that the conditions of detention of the applicant, a Somali national having entered Malta irregularly, amounted to degrading treatment (violation of art. 3 ECHR), that the applicant was deprived of the right to *habeas corpus* (violation of art. 5 para. 4 ECHR), as well as that there was no legal ground for her detention (violation of art. 5 para. 1(f) ECHR). In the second judgement, published on the same day and also concerning the irregular entry of a Sierra Leone national, the court reiterated its finding of non-existence of an effective remedy challenging the lawfulness of detention (violation of art. 5 para. 4 ECHR) and declared the detention of the applicant unlawful (violation of art. 5 para. 1(f) ECHR).

⁶² Ministry for Home Affairs and National Security, "Strategy for the Reception of Asylum Seekers and Irregular Migrants", 9 November 2015. Available from <https://homeaffairs.gov.mt/en/MHAS-Departments/awas/Pages/Migration-Policy.aspx>

⁶³ Directive 2013/33/EU of the European Parliament and the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), as transposed in S.L. 420.06, L.N. 417/2015, Reception of Asylum Seekers (Minimum Standards) (Amendment) Regulations, 2015; Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, as transposed in S.L. 217.12, L.N. 81/2011, Common Standards and Procedures for returning Illegally Staying Third-Country Nationals Regulations, 2011, and as amended by L.N. 15/2014.

the expiry of which three options are foreseen: detention in closed detention centres, alternatives to detention (such as reporting or residing at an assigned place) or accommodation at open centres. The agency responsible for examining each case and assessing whether there are legal grounds for detention is the Immigration Police alongside the Agency for the Welfare of Asylum Seekers, which is assigned with the vulnerability assessment and administration of the open centres.

The Agency for the Welfare of Asylum Seekers was set up by virtue of Legal Notice 205 of 2009. Its primary responsibilities include the following: (a) managing accommodation facilities for asylum-seekers and beneficiaries of international protection; (b) providing services to vulnerable categories of migrants; (c) providing information to asylum-seekers and beneficiaries of protection regarding employment, housing, education, health and welfare services; (d) acting as facilitator with all public entities responsible for the provision of services to ensure that national obligations towards refugees and asylum-seekers are met; (e) promoting the government's policy and schemes regarding resettlement and assisted voluntary returns; (f) maintaining data and drafting reports that are considered relevant for its own function and providing statistics to appropriate policymaking bodies; (g) advising the minister on relevant issues; and (h) encouraging networking with stakeholders. The agency hosts the Asylum Seeker Non-governmental Organization (NGO) Forum, a consultative platform bringing together NGOs, as well as international organizations working in the field of asylum in Malta.

The Employment and Training Corporation, which falls under the responsibility of the Ministry for Education and Employment, is responsible for issuing employment licences to third-country nationals willing to work in Malta. The conditions for the issuance of an employment licence, including whether the labour market test is to be applied, depend on the status of the individual applicant.

In 2012, **the Council for Maltese Living Abroad** was established and tasked with protecting and promoting the rights and interests of Maltese living outside Malta. The act setting up the Council defines the latter as someone who has lived abroad for more than 12 months.⁶⁴ This excludes from its purview students travelling for one-year programmes, including those undertaking postgraduate studies abroad. Under the act, the Council shall be the body representing Maltese communities abroad before all government entities, including any public authority, institution or organization responsible for implementing policies

⁶⁴ Council for Maltese Living Abroad Act, Chapter 515 of the Laws of Malta, article 3.

affecting these communities. The act also creates a directorate responsible for Maltese living abroad, whose aim shall be the promotion and protection of the rights and interests of Maltese living abroad.⁶⁵ A Federation of Maltese Living Abroad was also formally created in 2010 (having existed informally since 2000).

C.6. Intergovernmental organizations

IOM – established in 1951 and currently counting 162 Member States,⁶⁶ over 2,600 active projects and more than 8,400 staff members serving in more than 480 field locations in over 150 countries – is the leading intergovernmental organization in the field of migration. By providing services and advice to governments and migrants, IOM works to help ensure the orderly and humane management of migration. IOM works closely with governmental, intergovernmental and non-governmental partners.

IOM has a registered status in Malta, based on the Status Agreement signed with the Government of Malta on 18 December 2006. IOM Malta implements projects that support the Government of Malta in migration management. These include resettlement and relocation of persons with international protection to the United States and other European Union Member States, AVRR, integration, as well as support and assistance to asylum-seekers and migrants accommodated in closed and open centres. IOM also offers technical cooperation support to the Government of Malta in the field of counter-trafficking of human beings, as well as unaccompanied migrant children.

The **Maltese Red Cross Society's** mission is to prevent and alleviate human suffering by improving the situation of the most vulnerable people with impartiality and without discrimination as to race, nationality, gender, class, religious beliefs or political opinions. The main purpose of the Malta Red Cross Society is to carry out health and welfare programs for the benefit of particularly vulnerable groups, while promoting responsible co-participation by other organizations and the population at large. The Malta Red Cross assists and empowers migrants living in Malta through a number of developmental projects carried out over the years. These include the following: (a) providing and coordinating educational and psychosocial support programmes for children and adults living in detention centres and refugee camps around the island; (b) running and coordinating educational programmes with the migrant and local community with the aim of promoting a global and national culture of respect towards diversity, non-violence and social inclusion; and (c) restoring family links between families who have been separated from each other as a consequence of migration, conflicts and/or disasters.

⁶⁵ Ibid., article 8.

⁶⁶ As of November 2015.

The UNHCR Office in Malta opened in 2005 and falls under the regional office in Rome, which covers the Mediterranean region including Greece and Cyprus. The office's first challenge was to meet the high number of boat arrivals from the Libyan coast heading for the European mainland. UNHCR also works closely with the Government of Malta, social partners and a number of local organizations and NGOs not only to find durable solutions for refugees and beneficiaries of protection in Malta, but also to advocate for and work towards improved access to protection and conditions of asylum in Malta, as well as an increased protection-sensitive asylum system and related policies; UNHCR also strengthens the capacities of government and partner agencies and increases general awareness about asylum issues in the country.

C.7. Non-governmental organizations and think tanks

The mission of the **Aditus Foundation** is to monitor, act and report on access to fundamental human rights. Aditus' general activities include advocacy, capacity-building, public information and awareness-raising, and provision of pro bono legal information and legal advice. The work focuses on migration, asylum, as well as lesbian, gay, bisexual, transgender and intersex issues. Aditus collaborates with other NGOs in order to prepare various human rights reports for national and international entities and coordinates the submission of shadow reports, recommendations and input papers to different UN mechanisms, inter alia, to the Committee on the Rights of the Child or to the Universal Periodic Review.

African Media Association Malta is an organization set up in 2014 comprising African journalists in Malta using their professional skills to help migrants to learn about living in Malta and effective integration. The first project of the NGO was supported by the European Economic Area (EEA) Funds. The NGO also acts as a professional organization for African journalists in Malta. A key output of the organization is news in English and Somali targeted at the migrant community and provides a migrant perspective of current affairs.

The Arabic Culture Information Society is an NGO established in 2008. It aims at educating the public about Arab culture, promoting respect and acceptance of other cultures and encouraging integration and participation in the local community. It also seeks to create friendships between people from different cultures.

The Chinese Cultural Centre was opened in 2003 with the aim of introducing China and its culture to the Maltese population, as well as tourists

from Europe and other regions visiting Malta every year. The Chinese Cultural Centre was the fifth of its kind opened by China in the world. As the first Chinese cultural centre in the Mediterranean region, the centre seeks to reach out to the peoples of the Mediterranean and Europe by organizing Chinese cultural seminars, exhibitions, Chinese language classes and other activities.

The Filipino Community in Malta is a voluntary, non-profit organization of Filipinos who, for one reason or another, migrated from their homeland, the Philippines, and presently reside in Malta. It intends to represent the Filipino name in the host country with dignity and pride, to promote and preserve Filipino customs, traditions, culture and values among its members. The organization also addresses common interests and concerns regarding its members' social, economic and political involvement in the country chosen as their second home. It is imperative that migrants' voices are heard within a multicultural Malta. The services rendered by the organization include "safeguarding family values" in terms of marriages, women empowerment and spiritual awareness and also migrant workers' rights embracing social and welfare assistance.

The Foundation for Shelter and Support to Migrants (FSM) aims at carrying out research on accommodation of refugees and asylum-seekers in Malta vis-à-vis other European Union countries and using the outcomes of such research to contribute to the formulation of national policy, as well as providing temporary shelter and other support services to asylum-seekers and persons with international protection through partnership with the Government of Malta or other NGOs. FSM's objectives are as follows: (a) provide temporary shelter to asylum-seekers, persons enjoying international protection, and irregular migrants in Malta, enabling them to live as dignified persons in the Maltese society; (b) provide support services for the promotion of the well-being of residents; (c) promote policy coherence and partnership between asylum-seekers, persons enjoying international protection, and other migrants in Malta and civil society and governmental institutions, aiming at successful integration; (d) advocate for improved communication, tolerance and dialogue between different cultures in Malta; (e) provide basic education in cultural orientation, information technology, European languages and history, health and safety; and (f) assist asylum-seekers and persons benefiting from international protection in finding employment. Between 2010 and 2015, the FSM was entrusted by the government with the responsibility to run and manage the funds allocated for Marsa Open Centre.

Garden of Knowledge is a non-profit and non-governmental organization registered in Malta that was set up to promote an understanding of different

cultures through seminars, workshops, discussions and publications. For example, the NGO holds workshops about Mexican folk art, Spanish guitar and African masks for children, among others.

Integra Foundation is a non-profit organization based in Malta, operating independently of any political, economic or religious affiliation on a global level. The foundation's vision is that of supporting inclusive, non-discriminating and non-disabling societies, where all individuals have the right to human dignity, freedom, respect and social justice. The foundation's mission is to facilitate the space for marginalized individuals and groups to be listened to and have an active and meaningful say in their lives and well-being on their own terms. Integra's practice is grounded in research and a strong lobbying and activist component. Integra regularly works with a range of populations, including sub-Saharan African asylum-seekers, disabled people and women. Integra Foundation is particularly active in supporting efforts at self-representation.

The Jesuit Refugee Service's (JRS) mission is to accompany, serve and defend the rights of asylum-seekers and forcibly displaced persons who arrive in Malta. JRS Malta specializes in legal assistance and social work services (including health-care and psychological support), awareness-raising in schools and spiritual care. Its aim is to assist with immediate needs while encouraging and enabling the longer-term goal of self-sufficiency. Assistance is provided regardless of race, ethnic origin or religious belief. The JRS Malta team includes lawyers, social workers, a nurse, Jesuit priests and religious, cultural mediators, outreach workers and administrative staff. This service is complemented by a number of regular volunteers.

Koperazzjoni Internazzjonali (KOPIN) is a voluntary, autonomous, non-profit and non-governmental organization based in Malta working in the field of North–South cooperation and global education. KOPIN aims at poverty eradication and wholesome development and effective empowerment of the poorest communities. It carries out development education and advocacy work on North–South issues directed mainly at local and European Union policies. Although KOPIN is not bound to any other organization, it has good relations with a number of Maltese and foreign organizations and networks. KOPIN is the founding organization of the National Platform of Maltese Non-Governmental Development Organizations, today called SKOP, which KOPIN was mandated to coordinate from its establishment in June 2001 until May 2007. KOPIN also participates in a number of thematic working groups on the local and European levels. KOPIN's mission is to contribute actively to the alleviation of global poverty and social injustice through the following: (a) engaging in sustainable

projects together with partners; (b) providing services to vulnerable populations in Malta with particular focus on migrant children; (c) promoting and providing development education and increasing public awareness to sensitize and mobilize citizens to participate in the development debate; (d) building capacities of its members and its partners; (e) monitoring political processes; and (f) engaging in policy dialogue with decision makers to influence the debate on Maltese and European policies related to development, migration and child's rights.

The Malta Emigrants' Commission is a non-governmental, non-profitable, voluntary organization, which was established to assist people in need by offering them free services, counselling and protection. The key service of the Malta Emigrants' Commission is the provision of accommodation for asylum-seekers and beneficiaries of international protection. The Malta Emigrants Commission has some 10 homes at its disposal, where approximately 150 of the most vulnerable refugees are accommodated, free of charge. Some of these homes are privately owned, while the others are church homes.

The Maltese-Serbian Community was set up to support Serbian nationals living in Malta with regards to legal and social issues. The organization provides support whenever possible, as well as organizes networking, cultural and sports events for its members and the Maltese community more broadly.

Malta Microfinance offers interest-free credit to vulnerable migrants and women to empower them to move out from open centres, obtain certification of their trade, or improve their academic or vocational qualifications by attending courses in relevant educational institutions. The project seeks to empower individuals to achieve a level of self-reliance and independence.

Migrant Women Association is a new organization set up in 2015 that brings together migrant women from across different nationalities. The aim of the association is to promote the voice of migrant women within the Maltese society, while helping the Maltese society understand how diverse migrants are.

The Migrant's Network for Equality aims at bringing together the various migrant communities present in Malta. The network seeks to express and discuss the concerns of people who have sought asylum in Malta, as well as create a constructive dialogue with the government and the Maltese society in general.

The Organization for Friendship in Diversity (OFD) is a youth-led NGO working with children and adults from local and migrant communities to foster respect for diversity and promote social inclusion. The objective of

OFD's members is to help cultivate friendship amidst diversity through cultural understanding. OFD works to improve its methods and develop new ways to challenge social stereotypes that lead to discrimination. OFD prides itself in being hands-on grassroots organization that has introduced a new youthful dynamic to community-building in Malta, with a commitment to working on a foundation of positive messages, steering clear of the traditional rhetoric that has arguably rendered people passive in relation to this vital issue.

The John XXIII Peace Laboratory (Peace Lab) is Christian-inspired and aims to achieve the following: (a) combat all theories and practices that propagate the superiority of one group over the other; (b) foster better understanding among all irrespective of creed, colour and nationality; (c) promote and preserve social justice; and (d) take an active interest in the safeguarding of the environment. Peace Lab hosts approximately 50 migrants, almost all of them adult males. The costs of food, water and electricity are covered by Peace Lab (with European Union support for food, which is distributed monthly, usually from Luqa barracks). Assistance is provided with finding regular legal employment; a weekly medical clinic is available for both residents of the centre and persons from outside the centre. English language lessons are also provided.

The People for Change Foundation's (PfC) vision is of just, fair and inclusive society based on respect for human rights and the inherent dignity and participation of all members of the community. The mission is to undertake research, advocacy and evidence-based proactive measures to promote respect for human rights, social cohesion and the empowerment of individuals and communities. The work of the foundation is underpinned by the human rights based approach; while the main activities are as follows: (a) applied interdisciplinary research; (b) influential publications; (c) informed and diverse events and discussions; and (d) effective capacity-building training and awareness-raising.

SOS Malta is an NGO working in Malta and overseas seeking to assist all peoples through projects of a social and charitable nature. SOS Malta provides assistance to the poor helping them to improve quality of life, helps enhance the knowledge and skills of those it serves, advocates on behalf of the poor, and promotes models of good care and practice. SOS Malta works with local and international NGOs in order to achieve its aims. SOS Malta aims at aiding people experiencing times of crisis and empowering them by providing support services and opportunities to implement development and change in their countries and thereby ensure a better quality of life. In the context of migration, SOS Malta has engaged with social integration related projects.

KEY FINDINGS AND RECOMMENDATIONS

- More data is required, in relation to education, the labour market and health among others, in order to provide a more nuanced understanding of migratory trends, trajectories and realities of different categories of migrants in Malta. Such data should be disaggregated by, inter alia, age, gender, nationality and status.
- An integration policy for Malta (currently being developed) should be adopted as soon as possible, taking into account the specific needs of different categories of migrants and building on the Common Basic Principles of Migrant Integration.
- A needs assessment training of all the stakeholders and entities involved in migration and asylum management in Malta should be conducted to identify the areas where further training is required and offer the necessary training and assistance. Such an assessment should be considered as part of the development and implementation of new policies and practices in the field of migration.
- A shift in government and public discourse is much needed to address the misconceptions vis-à-vis migration in Malta. The prevalent political and public discourse, which is focused exclusively on “boat” migration, feeds into a skewed representation of migration in Malta which, in turn, appears to fuel misconceptions, xenophobia, racism and social exclusion. Such a shift can be realized through quality reporting by the media, which will report the facts in an unbiased manner. One way of ensuring such results is for NGOs and international organizations to provide training to journalists in this regard.
- The lack of data in the field of migration in Malta makes further research in the following fields necessary:
 - The diverse and multifaceted experiences of migrants in Malta and of Maltese migrants abroad, including the contemporary context of the Maltese diaspora.
 - The changing nature of migration dynamics and trajectories, and the different categories of migrants in Malta, including a breakdown by nationality and type of employment or other activities they are engaged in.
 - The economic costs and benefits of migration for Malta, the way that particular migration flows fill the gaps in the labour market and impact on the local economy.

- The gendered-migration processes in Malta. This could include analysis of how gender intersects with migration, including, inter alia, why individuals and/or families migrate to Malta, and the support available to them, including child support, information, access to employment and gaps in the labour market.
- The way categorizations according to age, gender, ethnicity, race, nationality and education intersect and influence migrants' lives and experiences, as well as the labour market in Malta.
- The way migration – both emigration and immigration – has impacted on human development.
- The push factors behind migrants' choices living in Malta to leave, the impact of mobility possibilities provided by European Union membership on trends of emigration from Malta, as well as how transnational networks may be facilitating this migration.

ANNEXES

Annex I: International glossary

Term	Definition	Source
Asylum-seekers	Persons who have applied for asylum or refugee status, but who have not yet received a final decision on their application. A distinction should be made between the number of asylum-seekers who have submitted an individual request during a certain period ("asylum applications submitted") and the number of asylum-seekers whose individual asylum request has not yet been decided at a certain date ("backlog of undecided or pending cases").	UNHCR (see www.unhcr.org/45c06c662.html)
Asylum-seekers	Persons who file an application for asylum in a country other than their own. They remain in the status of asylum-seeker until their application is considered and adjudicated.	UN DESA, 1998
Availability of data	Data that have been collected, filed, processed and stored in each system, thus civil registration and vital statistics are accessible in a user-friendly format to users upon request.	UN DESA, 2001a
Border workers	Persons commuting between their country of usual residence (which is usually their country of citizenship as well) and their place of employment abroad.	UN DESA, 1998
Circular migration	The fluid movement of people between countries, including temporary or long-term movement, which may be beneficial to all involved, if occurring voluntarily and linked to the labour needs of countries of origin and destination.	IOM, 2011
Citizenship	Legal nationality of a person.	UN DESA, 2001a
Civil register	Loose-leaf file, ledger book, electronic file or any other official file set up for the permanent recording, in accordance with established procedures, of each type of vital event and its associated data occurring to the population of a well-defined area (a county, district, municipality, parish, etc.).	UN DESA, 2001a
Country of usual residence	The country in which a person lives, that is to say, the country in which he or she has a place to live where he or she normally spends the daily period of rest. Temporary travel abroad for purposes of recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimage does not change a person's country of usual residence.	UN DESA, 1998
Development	A process of improving the overall quality of life of a group of people, and in particular expanding the range of opportunities open to them.	IOM, 2010

Descendants of foreign-born	The group of persons born in the country whose parents were born abroad (this group is often referred to as the “second generation”).	UNECE, 2006
Excursionists (also called “same-day visitors”)	Persons who do not reside in the country of arrival and stay for just a day without spending the night in a collective or private accommodation within the country visited. This category includes cruise passengers who arrive in a country on a cruise ship and return to the ship each night to sleep on board, as well as crew members who do not spend the night in the country. It also includes residents of border areas who visit the neighbouring country during the day to shop, visit friends or relatives, seek medical treatment, or participate in leisure activities.	UN DESA, 1998
Family-based settlers	Foreigners selected for long-term settlement because of the family ties they have with citizens or foreigners already residing in the receiving country.	UN DESA, 1998
Forced migration	A migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes (e.g. movements of refugees and internally displaced persons, as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects).	IOM, 2011
Foreign population of a country	All persons who have that country as country of usual residence and who are the citizens of another country.	UN DESA, 1998
Foreign students	Persons admitted by a country other than their own for the specific purpose of following a particular programme of study in an accredited institution of the receiving country.	UN DESA, 1998
Foreign-born population of a country	All persons who have that country as the country of usual residence and whose place of birth is located in another country.	UN DESA, 1998
Foreigners having the right to free establishment	Foreigners who have the right to enter, stay and work within the territory of a country other than their own by virtue of an agreement or treaty concluded between their country of citizenship and the country they enter.	UN DESA, 1998
Foreigners in transit	Persons who arrive in the receiving country but do not enter it formally because they are on their way to another destination.	UN DESA, 1998
Foreigners whose status is regularized	Foreigners whose entry or stay has not been sanctioned by the receiving State or who have violated the terms of their admission but who are nevertheless allowed to regularize their status. Although most persons regularizing their status have already been present in the receiving country for some time, their regularization may be taken to represent the time of their official admission as international migrants.	UN DESA, 1998

Human Development Index	The Human Development Index (HDI) is a summary composite index that measures a country's average achievements in three basic aspects of human development: health, knowledge and income. It was first developed by the late Pakistani economist Mahbub ul Haq with the collaboration of the Nobel laureate Amartya Sen and other leading development thinkers for the first Human Development Report in 1990. It was introduced as an alternative to conventional measures of national development, such as level of income and the rate of economic growth.	UNDP (see www.undp.org/content/dam/turkey/docs/news-from-new-horizons/hdr-2010-edition/UNDP-TR-faq_hdi.pdf)
Internal migration	A movement of people from one area of a country to another area of the same country for the purpose or with the effect of establishing a new residence. This migration may be temporary or permanent. Internal migrants move but remain within their country of origin (e.g. rural to urban migration).	IOM, 2011
Internally displaced persons	Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or man-made disasters, and who have not crossed an internationally recognized State border.	UN, 1998
International movement rate	The sum of total stock of immigrants into and emigrants from a particular country, expressed as a percentage of the sum of that country's resident population and its emigrant population.	UNDP, 2009
Irregular migrants	Non-citizens, excluding refugees or asylum-seekers who have no valid leave to enter and/or remain within a State.	The Human Rights of Irregular Migrants in Europe, Commissioner for Human Rights, Council of Europe, CommDH/ IssuePaper (2007) 1
Irregular migration	Movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries, it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. From the perspective of the sending country, the irregularity is, for example, seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term "illegal migration" to cases of smuggling of migrants and trafficking in persons.	IOM, 2011

Long-term migrant	A person who moves to a country other than that of his or her usual residence for a period of at least a year (12 months), so that the country of destination effectively becomes his or her new country of usual residence. From the perspective of the country of departure, the person will be a long-term emigrant and from that of the country of arrival, the person will be a long-term immigrant.	UN DESA, 1998
Migrant workers	Persons admitted by a country other than their own for the explicit purpose of exercising an economic activity remunerated from within the receiving country. Some countries distinguish several categories of migrant workers, including: (i) seasonal migrant workers; (ii) contract workers; (iii) project-tied workers; and (iv) temporary migrant workers. All these subcategories or any others that may exist should be added up and reported under “migrant workers”, making the appropriate distinctions with regard to duration of stay.	UN DESA, 1998
Migrants for family reunification or family formation	Foreigners admitted because they are immediate relatives or the fiancé(e)s of citizens or other foreigners already residing in the receiving country. Foreign children adopted by citizens or foreign residents and allowed to enter the country are also included in this category. The definition of immediate relatives varies from one case to another, but it usually includes the spouse and minor children of a person.	UN DESA, 1998
Migrants for settlement	Foreigners granted the permission to stay for a lengthy or unlimited period who are subject to virtually no limitations regarding the exercise of an economic activity. Some countries grant settlement rights to foreigners on the basis of certain criteria.	UN DESA, 1998
Net migration	Net number of migrants, that is, the number of immigrants minus the number of emigrants. It is expressed as thousands.	UN DESA glossary (see http://esa.un.org/migmgprofiles/Definitions%20and%20Sources/definitions_sources.htm)
Net migration rate	The number of immigrants minus the number of emigrants over a period, divided by the person-years lived by the population of the receiving country over that period. It is expressed as net number of migrants per 1,000 population.	UN DESA glossary (see http://esa.un.org/unpd/wpp/Download/SpecialAggregates/Political/)
Nomads	Persons without a fixed place of usual residence who move from one site to another, usually according to well-established patterns of geographical mobility. When their trajectory involves crossing current international boundaries, they become part of the international flows of people. Some nomads may be stateless persons because, lacking a fixed place of residence, they may not be recognized as citizens by any of the countries through which they pass.	UN DESA, 1998

Persons admitted for other humanitarian reasons	Foreigners who are not granted full refugee status but are nevertheless admitted for humanitarian reasons because they find themselves in refugee-like situations.	UN DESA, 1998
Population	1. All the inhabitants of a given country or area (province, city, metropolitan area, etc.) considered together; the number of inhabitants of a country or area. 2. In sampling, the whole collection of units (persons, households, institutions, events, etc.) from which a sample may be drawn.	UN DESA, 2001a
Population	De facto population in a country, area or region as of 1 July of the year indicated. Figures are presented in thousands.	UN DESA glossary (see http://esa.un.org/unpd/wpp/Download/Standard/Population/)
Quality of data	In the civil registration system or in the vital statistics system, quality of data is measured according to their degree of completeness, correctness (accuracy), timeliness and availability.	UN DESA, 2001a
Refugee	A person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.	Convention relating to the Status of Refugees, Art. 1A(2), 1951 as modified by the 1967 Protocol.
Remittances	Defined as the sum of workers' remittances [i.e., current private transfers from migrants staying in a country for a year or longer to households in another country], compensation of employees [i.e., the entire income of a migrant staying in the host country for less than a year] and migrants' transfers [i.e., the transfer of household effects and financial assets that arise at the time when a migrant changes her or his country of residence].	Ratha, 2003
Repatriating asylum-seekers	Citizens returning after having attempted to seek asylum abroad. In principle, this category includes persons who return after their asylum cases have been decided negatively, as well as persons who may not have been able to apply for asylum but who stayed abroad under temporary protection for some time.	UN DESA, 1998
Repatriating refugees	Citizens returning after having enjoyed asylum abroad. Both refugees returning under internationally assisted repatriation programmes and those returning spontaneously are included in this category.	UN DESA, 1998
Returning migrants (or citizens)	Persons returning to their country of citizenship after having been international migrants (whether short-term or long-term) in another country and who are intending to stay in their own country for at least a year.	UN DESA, 1998
Seasonal migrant workers	Persons employed by a country other than their own for only part of a year because the work they perform depends on seasonal conditions. They are a subcategory of "foreign migrant workers".	UN DESA, 1998

Short-term migrant	A person who moves to a country other than that of his or her usual residence for a period of at least three months but less than a year (12 months) except in cases where the movement to that country is for purposes of recreation, holiday, visits to friends or relatives, business, medical treatment or religious pilgrimage. For purposes of international migration statistics, the country of usual residence of short-term migrants is considered to be the country of destination during the period they spend in it.	UN DESA, 1998
Smuggling of migrants	The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.	Art. 3(a), United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime, 2000
Stateless persons	Persons who are not recognized as citizens of any State.	UN DESA, 1998
Trafficking in persons	The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.	Art. 3(a), United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 2000
Tourists	Persons who do not reside in the country of arrival and are admitted to that country under tourist visas (if required) for purposes of leisure, recreation, holiday, visits to friends or relatives, health or medical treatment, or religious pilgrimage. They must spend at least a night in a collective or private accommodation in the receiving country and their duration of stay must not surpass 12 months.	UN DESA, 1998
Visitors	Persons who do not reside in the country of arrival and who are admitted for short stays for purposes of leisure, recreation, holidays; visits to friends or relatives; business or professional activities not remunerated from within the receiving country; health treatment; or religious pilgrimages. Visitors include excursionists, tourists and business travellers.	UN DESA, 1998

Annex II: National glossary

Term	National definition	Source
Applicant for asylum	A third-country national or stateless person who has made an application for asylum in respect of which a final decision has not yet been taken by the Commissioner or the Refugee Appeals Board.	Refugees Act, Chapter 420 of the Laws of Malta
Application for asylum	A third-country national or stateless person who has made an application for asylum in respect of which a final decision has not yet been taken by the Commissioner or the Refugee Appeals Board.	Refugees Act, Chapter 420 of the Laws of Malta
Beneficiary of international protection	A person who has been granted refugee status or subsidiary protection status in accordance with article 8 and article 17.	Refugees Act, Chapter 420 of the Laws of Malta
Citizen of a Member State	A citizen of a State party to the Treaty (of Accession to the European Union).	Immigration Act, Chapter 217 of the Laws of Malta
Convention	The 1951 Convention relating to the Status of Refugees done at Geneva on 28 July 1951, to which Malta acceded on 17 June 1971, and the 1967 Protocol relating to the Status of Refugees of 31 January 1967 to which Malta acceded on 15 September 1971, subject to the declarations and reservations made by Malta.	Refugees Act, Chapter 420 of the Laws of Malta
Country of origin	The country or countries of nationality or, for stateless persons, of former habitual residence.	Refugees Act, Chapter 420 of the Laws of Malta
Dependent members of the family	The spouse of the refugee, provided the marriage is subsisting on the date of the refugee's application, and such children of the refugee, who on the date of the refugee's application are under the age of eighteen years and are not married.	Refugees Act, Chapter 420 of the Laws of Malta
Deportation order	An order made under article 22: "(...) the Minister may, if he deems it to be conducive to the public good, make a deportation order against any person. (...) A deportation order may be made subject to any condition which the Minister [responsible for immigration] may deem proper (...)".	Immigration Act, Chapter 217 of the Laws of Malta
Family reunification	The entry into, and residence in, Malta by family members of a third-country national residing lawfully in Malta in order to preserve the family unit, whether the family relationship arose before or after the resident's entry.	Family Reunification Regulations, Subsidiary Legislation 217.06
Illegal employment	The employment of an illegally staying third-country national.	Minimum Standards on Sanctions and Measures Against Employers Of Illegally Staying Third-country Nationals Regulations, Subsidiary Legislation 217.14

Illegally staying third-country national	A third-country national present in Malta, who does not fulfil, or no longer fulfils, the conditions for stay or residence in Malta.	Minimum Standards on Sanctions and Measures Against Employers Of Illegally Staying Third-country Nationals Regulations, Subsidiary Legislation 217.14
Malta	The Island of Malta, the Island of Gozo and the other islands of the Maltese Archipelago.	Immigration Act, Chapter 217 of the Laws of Malta
Prohibited immigrants	<p>Any person, other than one having the right of entry, or of entry and residence, or of movement or transit under the preceding Parts, may be refused entry, and if he lands or is in Malta without leave from the Principal Immigration Officer, he shall be a prohibited immigrant. Notwithstanding that he has landed or is in Malta with the leave of the Principal Immigration Officer or that he was granted a residence permit, a person shall, unless he is exempted under this Act from any of the following conditions or special rules applicable to him under the foregoing provisions of this Act, be a prohibited immigrant also:</p> <ol style="list-style-type: none"> if he is unable to show that he has the means of supporting himself and his dependants (if any) or if he or any of his dependants is likely to become a charge on the public funds; or if he is suffering from mental disorder or is a mental defective; or if, having landed in Malta pursuant to or under any regulation made under articles 44 and/or 50 of the Prevention of Disease Ordinance, he is still in Malta after the lapse of the period of fifteen days from the day on which the Superintendent of Public Health certifies in writing that the stay of such person in Malta is no longer required under and for the purpose of such regulation; or if he is found guilty by a court of criminal jurisdiction in Malta of an offence against any of the provisions of the White Slave Traffic (Suppression) Ordinance or of the Dangerous Drugs Ordinance or of a crime, other than involuntary homicide or involuntary bodily harm, which, in the case of a first crime committed by such person, is punishable with imprisonment for a term of not less than one year or, in the case of a second or subsequent crime committed by such person, is punishable with imprisonment for a term of not less than three months; or if he contravenes any of the provisions of this Act or of any regulations made thereunder; or 	Immigration Act, Chapter 217 of the Laws of Malta

Prohibited immigrants (cont.)	<ul style="list-style-type: none"> f. if he does not comply or ceases to comply with any of the conditions, including an implied condition, under which he was granted leave to land or to land and remain in Malta or was granted a residence permit; or g. if any circumstance which determined the granting of leave to land or to land and remain in Malta or the extension of such leave or the granting of a residence permit ceases to exist; or h. if such person is a prostitute; or i. if he is a dependant of a person who is a prohibited immigrant under any of the provisions of this sub-article. 	Immigration Act, Chapter 217 of the Laws of Malta
Refugee	<p>A third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, as a result of such events is unable or, owing to such fear, is unwilling to return to it, but does not include a person excluded in terms of article 12:</p> <p>Provided that in the case where a person has more than one nationality, the term “country”, mentioned above, shall refer to each country of which he is a national, and such a person shall not be considered as not having the protection of his country if, without any founded fear of persecution, he has not sought the protection of one of the countries of which such a person is a national:</p> <p>Provided further that:</p> <p>(a) acts of persecution within the meaning of Article 1A of the Convention must be sufficiently serious by their nature or repetition as to constitute a severe violation of basic human rights, in particular the right from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or</p> <p>(b) be an accumulation of various measures, including violations of human rights, which is sufficiently severe as to affect an individual in a similar manner as in paragraph (a).</p>	Refugees Act, Chapter 420 of the Laws of Malta
Refugee status	The recognition of a third-country national or stateless person as a refugee.	Refugees Act, Chapter 420 of the Laws of Malta

Removal order	An order issued by the Principal Immigration Officer or the Immigration Appeals Board in accordance with article 14 ["(...) If any person is considered by the Principal Immigration Officer to be liable to removal as a prohibited immigrant (...), the said Officer may issue a removal order against such person who shall have a right to appeal against such order (...)].	Immigration Act, Chapter 217 of the Laws of Malta
Return	The process of a third-country national going back – whether in voluntary compliance with an obligation to return or enforced – to: 1) his country of origin; or 2) a country of transit in accordance with Community or bilateral readmission agreements or other arrangements; or 3) another third-country, to which the third-country national concerned voluntarily decides to return and in which he will be accepted.	Common Standards and Procedures for Returning Illegally Staying Third-country Nationals Regulations, Subsidiary Legislation 217.12
Return decision	A decision issued by the Principal Immigration Officer, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return.	Common Standards and Procedures for Returning Illegally Staying Third-country Nationals Regulations, Subsidiary Legislation 217.12
Safe country of origin	A country of which the applicant for asylum: (a) is a national; or (b) being a stateless person, was formerly habitually resident in that country and he has not submitted any serious grounds for considering the country not to be a safe country of origin in his particular circumstances.	Refugees Act, Chapter 420 of the Laws of Malta
Safe third-country	A country of which the applicant is not a national or citizen and where: (a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion; (b) the principle of non-refoulement in accordance with the Convention is respected; (c) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; (d) the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Convention; (e) the applicant had resided for a meaningful period of time prior to his entry into Malta.	Refugees Act, Chapter 420 of the Laws of Malta

Serious harm	This consists of: (a) death penalty or execution; or (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or (c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.	Refugees Act, Chapter 420 of the Laws of Malta
Single permit	A residence permit issued by the Director allowing a third-country national to reside legally in Malta for the purpose of work.	Single Application Procedure for a Single Permit as Regards Residence and Work and a Common Set of Rights for Those Third-Country Workers Legally Residing in Malta Regulations, Subsidiary Legislation 217.17
Subsidiary protection status	The recognition by a Member State of a third-country national or a stateless person as a person eligible for subsidiary protection.	Refugees Act, Chapter 420 of the Laws of Malta
Temporary protection	A procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection.	Temporary Protection for Displaced Persons (Minimum Standards) Regulations, Subsidiary Legislation 420.05
Third country	Any State except Malta or any another Member State.	Immigration Regulations, Subsidiary Legislation 217.04
Third-country national	A person who is not a citizen of the Union.	Immigration Regulations, Subsidiary Legislation 217.04
Third-country worker	A third-country national admitted to Malta and who is legally residing and is allowed to work in the context of a paid relationship and is protected as an employee under the Employment and Industrial Relations Act and in accordance with national practice.	Single Application Procedure for a Single Permit as Regards Residence and Work and a Common Set of Rights for Those Third-Country Workers Legally Residing in Malta Regulations, Subsidiary Legislation 217.17
To land	To arrive or to enter by any form of conveyance and references to landing, unless the context otherwise requires, include references to attempting to land.	Immigration Act, Chapter 217 of the Laws of Malta

Unaccompanied minor	A third-country national, below the age of eighteen, who arrives in Malta unaccompanied by an adult responsible for him whether by law or custom, and for as long as he is not effectively taken into the care of such a person, or a minor who is left unaccompanied after he has entered Malta.	Permission to Reside for Victims of Trafficking or Illegal Immigration Who Co-Operate with the Maltese Authorities Regulations, Subsidiary Legislation 217.07
Withdrawal of refugee status	The decision by a competent authority to revoke, end or refuse to renew the refugee status of a person.	Refugees Act, Chapter 420 of the Laws of Malta

Annex III: National data sources

Source of data	Website
EUROSTAT (European Union's Statistics Office)	http://ec.europa.eu/eurostat/
National Statistics Office of Malta (NSO)	http://nso.gov.mt/en/Pages/NSO-Home.aspx
UNHCR Malta Office	www.unhcr.org.mt/charts/

Annex IV: Instruments to which Malta is a signatory

International human rights instruments
GENERAL INSTRUMENTS
International Covenant on Economic, Social and Cultural Rights (1966) – Entered into force on 3 January 1976
International Covenant on Civil and Political Rights (1966) – Entered into force on 23 March 1976
Optional Protocol to the International Covenant on Civil and Political Rights (1966) – Entered into force on 23 March 1976
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (1989) – Entered into force on 11 July 1991
PREVENTION OF DISCRIMINATION
International Convention on the Elimination of All Forms of Racial Discrimination (1966) – Entered into force on 4 January 1969
International Convention on the Suppression and Punishment of the Crime of Apartheid (1973) – Entered into force on 18 July 1976; Not ratified or acceded to
ILO Convention (No. 100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (1951) – Entered into force on 23 May 1953
UNESCO Convention against Discrimination in Education (1960) – Entered into force on 22 May 1962
UNESCO Protocol Instituting a Conciliation and Good Offices Commission to be Responsible for Seeking the Settlement of any Disputes which may Arise between States Parties to the Convention against Discrimination in Education (1962) – Entered into force on 24 October 1968
ILO Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation (1958) – Entered into force on 15 June 1960

ILO Convention (No. 156) concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (1981) – Entered into force on 11 August 1983; Not ratified or acceded to
International Convention against Apartheid in Sports (1985) – Entered into force on 3 April 1988; Not ratified or acceded to
ILO Revised Convention (No. 169) concerning Indigenous and Tribal People in Independent Countries (1989) – Entered into force on 5 September 1991; Not ratified or acceded to
GENOCIDE, WAR CRIMES AND CRIMES AGAINST HUMANITY
Convention on the Prevention and Punishment of the Crime of Genocide (1948) – Entered into force on 12 January 1951; Not ratified or acceded to
Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (1968) – Entered into force on 11 November 1970; Not ratified or acceded to
Rome Statute of the International Criminal Court (1998) – Entered into force on 1 July 2002
International Convention for the Suppression of Terrorist Bombings (1997) – Entered into force on 23 May 2001
International Convention for the Suppression of the Financing of Terrorism (1999) – Entered into force on 10 April 2002
International Convention for the Suppression of Acts of Nuclear Terrorism (2005) – Entered into force on 7 July 2007; Not ratified or acceded to
TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) – Entered into force on 26 June 1987
Declarations recognizing the competence of the Committee against Torture under Articles 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (to receive and consider communications by one State Party against another or presented from or on behalf of individuals) – Entered into force on 26 June 1987
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2002) – Entered into force on 22 June 2006
International Convention for the Protection of All Persons from Enforced Disappearance (2006) – Entered into force on 23 December 2010; Not ratified or acceded to
SLAVERY, TRAFFIC IN PERSONS AND FORCED LABOUR
Protocol amending the Slavery Convention signed at Geneva on 25 September 1926 (1953) – Entered into force on 7 December 1953; Not ratified or acceded to
Slavery Convention signed at Geneva on 25 September 1926 and amended by the Protocol done at the Headquarters of the United Nations, New York, on 7 December 1953 – Entered into force on 7 July 1955
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956) – Entered into force on 30 April 1957
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1950) – Entered into force on 25 July 1951; Not ratified or acceded to
ILO Convention (No. 29) concerning Forced Labour (1930) – Entered into force on 1 May 1932
ILO Convention (No. 105) concerning the Abolition of Forced Labour (1957) – Entered into force on 17 January 1959

ALIENS, REFUGEES AND STATELESS PERSONS
Convention relating to the Status of Refugees (1951) – Entered into force on 22 April 1954
Protocol relating to the Status of Refugees (1967) – Entered into force on 4 October 1967
Convention relating to the Status of Stateless Persons (1954) – Entered into force on 6 June 1960; Not ratified or acceded to
Convention on the Reduction of Statelessness (1961) – Entered into force on 13 December 1975; Not ratified or acceded to
WOMEN
Convention on the Political Rights of Women (1953) – Entered into force on 7 July 1954
Convention on the Nationality of Married Women (1957) – Entered into force on 11 August 1958
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962) – Entered into force on 9 December 1964; Not ratified or acceded to
Convention on the Elimination of All Forms of Discrimination against Women (1979) – Entered into force on 3 September 1981
Optional Protocol to the Convention on the Elimination of Discrimination against Women (1999) – Entered into force on 22 December 2000; Not ratified or acceded to
CHILDREN
Convention on the Rights of the Child (1989) – Entered into force on 2 September 1990
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000) – Entered into force on 12 February 2002
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000) – Entered into force on 18 January 2002
ILO Convention (No. 138) concerning Minimum Age for Admission to Employment (1973) – Entered into force on 19 June 1976
ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999) – Entered into force on 19 November 2000
PERSONS WITH DISABILITIES
Convention on the Rights of Persons with Disabilities (2006) – Entered into force on 3 May 2008; Not ratified or acceded to
Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006) – Entered into force on 3 May 2008; Not ratified or acceded to
Regional (European) human rights instruments
COUNCIL OF EUROPE: GENERAL HUMAN RIGHTS INSTRUMENTS
European Convention on Human Rights (1950), formally titled Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe) – Entered into force on 3 September 1953. Amended by Protocol No. 11, entered into force on 1 November 1998 and Protocol No. 14, entered into force on 1 June 2010
Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (1952) (Council of Europe) – Entered into force on 18 May 1954. Amended by Protocol No. 11, entered into force on 1 November 1998
Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto (1963) (Council of Europe) – Entered into force on 2 May 1968. Amended by Protocol No. 11, entered into force on 1 November 1998

Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty (1983) (Council of Europe) – Entered into force on 1 March 1985. Amended by Protocol No. 11, entered into force on 1 November 1998
Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms (recognition of new rights) (1984) (Council of Europe) – Entered into force on 1 November 1988. Amended by Protocol No. 11, entered into force on 1 November 1998
Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms restructuring the control machinery established thereby (1994) (Council of Europe) – Entered into force on 1 November 1998
Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (2000). (Council of Europe) – Entered into force on 1 April 2005; Not ratified or acceded to
Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the Abolition of the Death Penalty in all Circumstances (2002) (Council of Europe) – Entered into force on 1 July 2003
Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms Amending the Control System of the Convention (2004) (Council of Europe) – Entered into force on 1 June 2010
European Agreement relating to Persons Participating in Proceedings of the European Commission and Court of Human Rights (1969) (Council of Europe) – Entered into force on 17 April 1971
European Agreement relating to Persons Participating in Proceedings of the European Court of Human Rights (1996) (Council of Europe) – Entered into force on 1 January 1999; Not ratified or acceded to
European Social Charter (1961) (Council of Europe) – Entered into force on 26 February 1965
Additional Protocol to the European Social Charter (1988) (Council of Europe) – Entered into force on 4 September 1992; Not ratified or acceded to
Protocol amending the European Social Charter (1991) (Council of Europe) – Not yet entered into force as of 30 June 2011
Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (1995) (Council of Europe) – Entered into force on 1 July 1998; Not ratified or acceded to
European Social Charter (revised) (1996) (Council of Europe) – Entered into force on 1 July 1999
Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (1981) (Council of Europe) – Entered into force on 1 October 1985
Convention for the Protection of Human Rights and dignity of the human being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (1997) (Council of Europe) – Entered into force on 1 December 1999; Not ratified or acceded to
Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings (1998) (Council of Europe) – Entered into force on 1 March 2001; Not ratified or acceded to
Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin (2002) (Council of Europe) – Entered into force on 1 May 2006; Not ratified or acceded to
Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research (2005) (Council of Europe) – Entered into force on 1 September 2007; Not ratified or acceded to
Convention on Cybercrime (2001) (Council of Europe) – Entered into force on 1 July 2004; Not ratified or acceded to
Council of Europe Convention on Action against Trafficking in Human Beings (2005) (Council of Europe) – Entered into force on 1 February 2008

PREVENTION OF DISCRIMINATION
Additional Protocol to the Convention on cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems (2003) (Council of Europe) – Entered into force on 1 March 2006; Not ratified or acceded to
TERRORISM
European Convention on the Suppression of the Terrorism (1977) (Council of Europe) – Entered into force on 4 August 1978
Protocol amending the European Convention on the Suppression of Terrorism (2003) (Council of Europe) – Not entered into force as of 30 June 2011; Not ratified or acceded to
Council of Europe Convention on the Prevention of Terrorism (2005) (Council of Europe) – Entered into force on 1 June 2007; Not ratified or acceded to
GENOCIDE, WAR CRIMES AND CRIMES AGAINST HUMANITY
European Convention on the Non-Applicability of Statutory Limitations to Crimes against Humanity and War Crimes (1974) (Council of Europe) – Entered into force on 27 June 2003; Not ratified or acceded to
TORTURE, INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987) (Council of Europe) – Entered into force on 1 February 1989
Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (concerning the accession to the Convention of a non-member State of the Council of Europe) (1993) (Council of Europe) – Entered into force on 1 March 2002
Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (concerning the possibility for the members of the Committee for the Prevention of Torture to be re-elected twice but not more than six years) (1993) (Council of Europe) – Entered into force on 1 March 2002
ALIENS, REFUGEES AND STATELESS PERSONS
European Agreement on Transfer of Responsibility for Refugees (1980) (Council of Europe) – Entered into force on 1 December 1980; Not ratified or acceded to
Convention on the Participation of Foreigners in Public Life at Local Level (1992) (Council of Europe) – Entered into force on 1 May 1997; Not ratified or acceded to
Council of Europe Convention on the avoidance of statelessness in relation to State succession (2006) (Council of Europe) – Entered into force on 1 May 2009; Not ratified or acceded to
WORKERS
European Convention on the Legal Status of Migrant Workers (1977) (Council of Europe) – Entered into force on 1 May 1983; Not ratified or acceded to
MINORITIES
European Charter for Regional or Minority Languages (1992) (Council of Europe) – Entered into force on 1 March 1998; Not ratified or acceded to
Framework Convention for the Protection of National Minorities (1995) (Council of Europe) – Entered into force on 1 February 1998
CHILDREN
European Convention on the Exercise of Children's Rights (1996) (Council of Europe) – Entered into force on 1 July 2000; Not ratified or acceded to
Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007) (Council of Europe), European Treaty Series No. 201 – Entered into force on 1 July 2010; Not ratified or acceded to

Annex V: Subsidiary legislation to the Immigration Act, Chapter 217 of the Laws of Malta

217.01	Fees Payable for Residence Permits and Employment Licenses Regulations
217.02	Detention of a Person at Savio College Regulations
217.03	Places of Detention Designation Order
217.04	Immigration Regulations
217.05	Status of Long-Term Residences (Third-country Nationals) Regulations
217.06	Family Reunification Regulations
217.07	Permission to Reside for Victims of Trafficking or Illegal Immigration who Co-operate with the Maltese Authorities Regulations
217.08	Board of Visitors for Detained Persons Regulations
217.09	Conditions for Admission of Third-country Nationals for the Purposes of Studies Regulations
217.10	Third-country Nationals for Scientific Research Purposes (Special Admittance Procedure) Regulations
217.11	Agency for the Welfare of Asylum-Seekers Regulations
217.12	Common Standards and Procedures for Returning Illegally Staying Third-country Nationals Regulations
217.13	Immigration Appeals Board (Division) Regulations
217.14	Minimum Standards on Sanctions and Measures against Employers of Illegally Staying Third-country Nationals Regulations
217.15	Conditions of Entry and Residence of Third-Country Nationals for the purpose of Highly Qualified Employment Regulations
217.16	Immigration Appeals Board (Additional Jurisdiction) Regulations
217.17	Single Application Procedure for a Single Permit as regards Residence and Work and a Common Set of Rights for those Third-country Nationals Workers Legally Residing in Malta Regulations
217.18	Malta Residence Visa Programme Regulations

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