



#knowthefacts

A toolkit on asylum and migration for Maltese MEP candidates



Photo: Tens of migrants' boats stored in Safi Barracks by the Armed Forces of Malta (2009).
Darrin Zammit Lupi, www.islelanders.com

This booklet contains facts and information from the following public sources: United Nations High Commissioner for Refugees (UNHCR), International Organisation for Migration (IOM), Malta Office of the Refugee Commissioner (RefCom), Malta Agency for the Welfare of Asylum Seekers (AWAS), Malta National Statistics Office (NSO), Malta Ministry for European Affairs, the European Commission, Eurostat, and the European Asylum Support Office (EASO).

While every effort has been made to ensure that all statistical information is accurately presented, for official statistics please refer to the original sources. Most statistics refer to 2013 data unless otherwise stated. Many numbers are rounded off, some also represent best estimates.

Booklet first published on 9 April 2014; data updated on 7 May 2014.

What?

This booklet presents facts and statistics relating to asylum and migration in Malta, Europe and beyond. It draws on information available from various sources, including UNHCR statistics, Eurostat data and various official sources in Malta. It primarily focuses on statistics from 2013 but also includes information that covers previous years.

Why?

Asylum and migration issues have been high on the agenda in political debate and national media in recent years. There are many relevant perspectives as regards challenges, opportunities and solutions. But the discourse often suffers from lack of awareness regarding some of the basic facts. This booklet is aimed at contributing to the national dialogue on asylum and migration topics.

Who?

UNHCR is mandated by the UN General Assembly to work towards protection and solutions for refugees, and to assist governments and civil society in this regard. Collating and disseminating relevant information forms part of this mandate. This booklet has been developed by UNHCR in cooperation with the European Parliament Office in Malta, to make information available to all interested parties in the context of the 2014 Malta elections for the European Parliament.

How?

This booklet is made available to all the official MEP candidates in Malta, as well as national media outlets. It is also shared with relevant authorities and organisations working on asylum and migration related issues. The information is presented in full also online through the UNHCR and European Parliament Office websites, and specific points of information from the following pages is also presented through social media platforms.

what's inside



- **Mixed Migration**
- **The Mediterranean Sea**
- **Reception of Asylum Seekers**
- **Solutions**
- **Special Focus: Syria Emergency**
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Mixed Migration

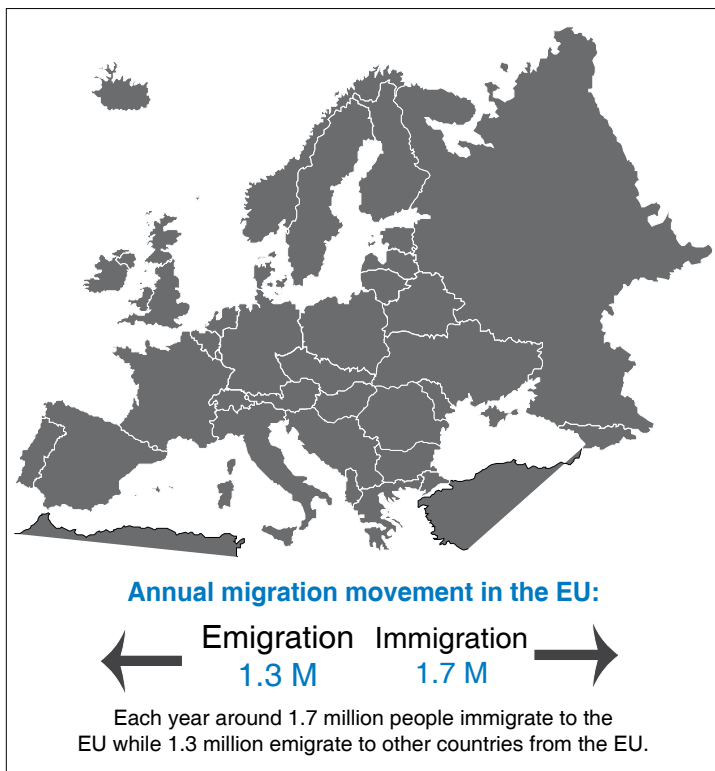
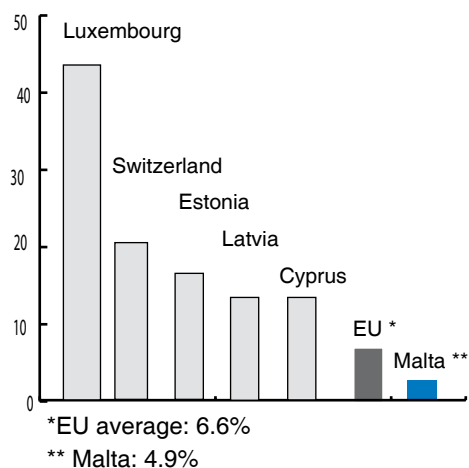
■ **Migrant:** There is no universal definition of “migrant”. The term is often used where the decision to migrate was taken freely by the individual concerned without intervention of an external compelling factor. It therefore applies to persons, and family members, moving to another country to better their material or social conditions and improve the prospects for themselves or their family.

■ **Asylum-seeker:** An asylum-seeker is a person who is seeking international protection. In countries with individualized procedures, it is someone whose claim has not yet been finally decided on. Not every asylum-seeker will ultimately be recognized as a refugee (or given another form of protection), but every refugee is initially an asylum-seeker.

EU Population

500 Million

Percentages of foreigners living in select European countries



Asylum in Europe

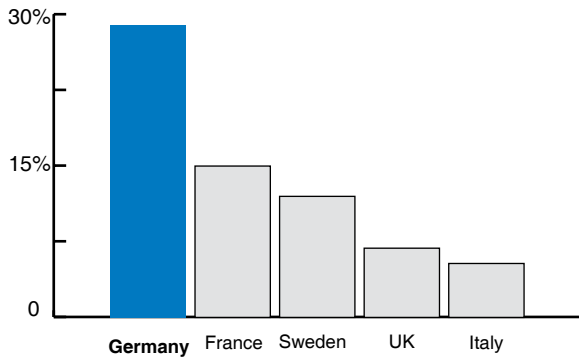
17% of the world refugee population is in the European Union. In 2013, the EU had 400,000 new asylum-seekers, more than 75,000 of them were Syrians. During the same year, Malta received a total of 2,200 asylum applications.

€90 Million+

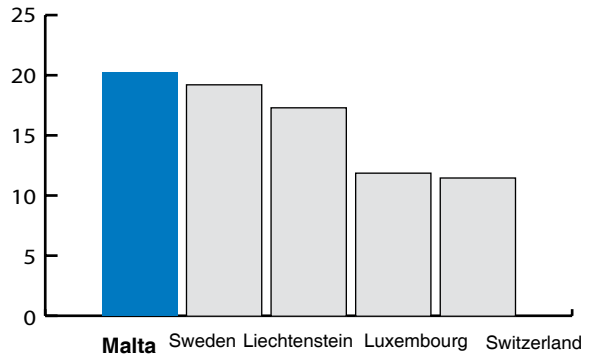
2007-2013 - EU solidarity funds for Malta:

- External Borders Fund
- European Refugee Fund
- European Return Fund
- European Integration Fund
- Emergency funds

Percentage of EU total asylum claims in five top receiving countries 2013

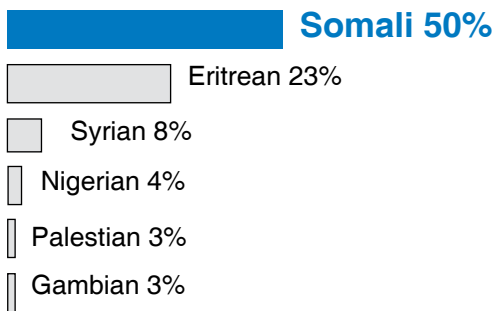


Number of asylum seekers per 1000 inhabitants - EU 2009-2013

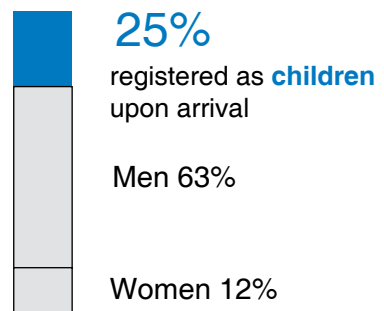


2013 sea arrivals in Malta: 2,008 people arrived by boat from Libya.

by nationality



by age and gender



Dublin Regulation

The EU has agreed on the principle that only one Member State is responsible for examining an asylum application. The Dublin regulation is the key legislation for the allocation of this responsibility. It is based on a set of criteria that take into account where and how the applicant entered the EU, visa permits, as well as family links. In 2012, there were a total of more than 50,000 requests for transfer of individuals between EU countries. Around 15,000 people were actually transferred between EU states during the same year.

European Asylum Support Office (EASO)

The EU is working towards a Common European Asylum System (CEAS). EASO was established with the aim of enhancing practical cooperation on asylum matters and helping Member States fulfill their European and international obligations to give protection to people in need.

Based in: Malta | **Budget 2014:** EUR 14,656,000 | **Staff:** Around 80

The Mediterranean Sea

Deaths at sea

2,800+

died since 2007

Many people have lost their lives in the attempt to cross the Mediterranean Sea. The most deadly year on record was 2011, when an estimated 1,500 people perished. 2013 also saw many tragedies, more than 500 people drowned in just two incidents. So far this year more than 170 people have lost their lives at sea



● Most deadly crossing zones

Rescued

45,000+

In 2013, more than 45,000 people arrived irregularly by boat in Italy, Malta, and Greece.

35,000+

In October 2013 Italy deployed the [Mare Nostrum Operation](#) in the Mediterranean: an aero-naval operation to strengthen search and rescue actions. So far in 2014 more than 35,000 people have been rescued at sea and disembarked in Italy.

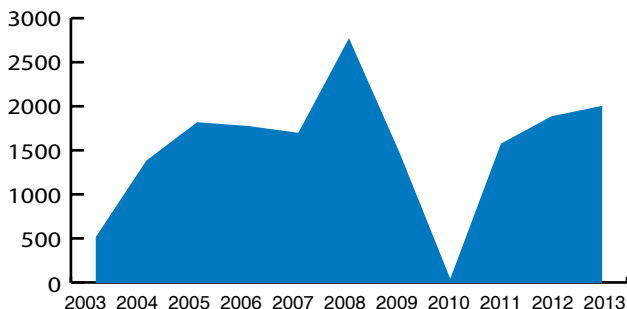


Mare Nostrum data as 12.05.2014

What is the Malta SAR zone?

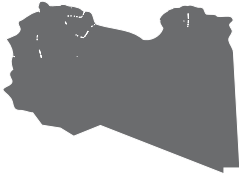
The Maltese Search and Rescue zone (SAR) covers over **250,000 square km**, where the Armed Forces of Malta have responsibility for coordinating search and rescue operations. Since 2002 Malta has received more than 18,000 people arriving by boat, the majority rescued at sea by the AFM.

Individuals who arrived in Malta by boat from Libya (2003 - 2013)



91 individuals were rescued by Malta so far in 2014

Libya



- Libya is not a signatory to the 1951 Refugee Convention, but the country is party to the 1969 OAU Convention which addresses refugee issues.
- Libya does not have any national asylum legislation or any administrative structures to process asylum claims or grant protection status. Recent reports describe widespread arbitrary detention, discrimination and abuse of asylum seekers.
- UNHCR is present in Libya but the country office does not have a formalised agreement with the Government.

'Pushbacks'! What is it?

The rule of non-return (*non-refoulement*) is the cornerstone of international refugee law and a core human rights principle. It protects everyone from being returned or expelled to territories where their lives could be threatened, **regardless of having arrived in a regular or irregular way**. Several judgments by the European Court of Human Rights have confirmed the application of this principle and the right to have a claim for asylum assessed. There is in fact no legal way for an asylum seeker to enter the EU, other than with a regular visa or through resettlement.

What is the difference between smuggling and trafficking?

Smuggling is the facilitation of the illegal entry of people from one country into another, and it involves the migrant's consent. Most asylum seekers coming to Malta have been smuggled at certain points of their journey because they have no legal means of accessing safe territory. According to research, it costs between **\$300 - \$2,000**, depending on the circumstances, to make the journey from Libya to Europe by boat.

Trafficking is a crime against a person, the victim, and contains an element of force, fraud, or coercion. There is no consent of the victims. Some of the asylum seekers who came to Malta in last ten years were victims of trafficking. Women and children are particularly affected; Women and girls represent **56%** of victims of forced economic exploitation and **98%** of victims of forced commercial sexual exploitation.

Task Force Mediterranean (TFM)

An EU task force was set up in 2013 to agree on actions to prevent further tragedies in the Mediterranean. A range of actions have been identified for the short and longer term, as described in a public communication from the European Commissioner on 4 December 2013. A European Parliament resolution on 23 October 2013 also addressed the situation.

The Task Force consists of Member States and relevant EU agencies. UNHCR has been consulted and has presented a Central Mediterranean Sea Initiative (CMSI), proposing 12 concrete steps for consideration of the EU Member States in collaboration with countries of transit and countries of origin.

The full document can be viewed at: <http://unhcr.org/531990199.html>

Reception of asylum seekers

The Maltese system for irregular arrivals

Detention

A person who enters Malta without a valid visa is deemed a prohibited migrant and detained under a removal order. This also applies for people rescued at sea and those who present a claim for asylum. The asylum claim is normally assessed while the applicant is held in detention. Over **1,900** individuals, including children, were detained in 2013. The detention centres in use in Malta have capacity for holding 1,250 people. Vulnerable individuals are assessed for early release **but this can take weeks and in some cases months**. In 2014 the Maltese government declared that children will no longer be detained.

Protection

The Office of the Refugee Commissioner can grant two forms of international protection:

(a) **Refugee Status** (b) **Subsidiary Protection**

OR

Other forms of complementary protection statuses can also be granted. If an individual is granted protection, he/she is released and can reside in one of the open centres or in the community.

Rejection

An asylum seeker has up to 15 days to appeal the decision. Free legal aid is provided at this stage. A rejected asylum seeker can in principle be deported but in many cases they are released. Rejected asylum seekers are not eligible for resettlement.

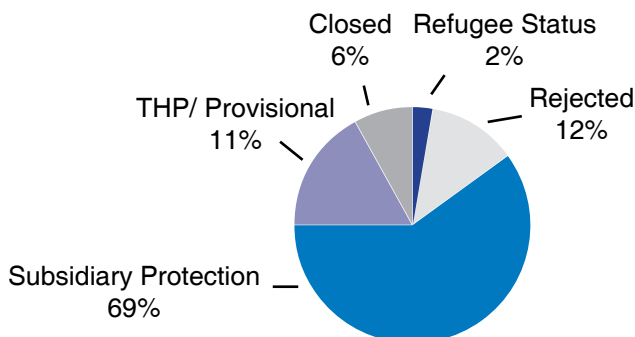
1,499

asylum seekers, beneficiaries of protection and migrants live in 10 **open centres** as of end 2013.



2013 asylum decisions in Malta

71% of all asylum seekers were granted international protection



Appeal:
9 individuals were granted protection on appeal. 236 were rejected on appeal.

The new EU Reception Conditions Directive

The revised EU Reception Conditions Directive (RCD) lays down the standards for the reception of asylum seekers. Member States, including Malta, are required to implement the new RCD by June 2015. The European Commission may initiate infringement procedures against any state that does not comply with the RCD provisions.

Some key points in the Directive are:

- Children detained only exceptionally and separately from adults.
- Detention can only be justified based on six pre-defined grounds.
- Any period of detention must be as short as possible.
- Any detention must be assessed as necessary in each individual case.
- There must be written information on reasons for detention in each case.
- There is a requirement to establish alternatives to detention.
- There is a right to judicial review of the legality of detention.
- Asylum-seekers have access to the labour market no later than nine months after applying for asylum, lasting at least until a decision is made on their claim.

What are the alternatives to detention?

“Alternatives to detention” refers to any legislation, policy or practice that allows asylum-seekers to reside out of detention subject to a number of conditions or restrictions on their freedom of movement. They may include, reporting conditions, mandatory residence, release on bail/bond, community supervision arrangements, or residence at open or semi-open centres. See UNHCR Detention Guidelines (2012).

- **UNHCR’s position on the current detention system** is that it is not in line with human rights and refugee law standards. Detention can be used in managing mixed migration flows but only under specific circumstances and with necessary safeguards. Children should normally not be detained.
- **ECHR judgments on detention:** In two cases in 2013, the European Court of Human Rights held that Malta’s detention policy and framework is not in conformity with the European Convention on Human Rights. Maltese authorities inform that adjustments to the current system are under consideration.

See also UNHCR Position Paper on the Detention of Asylum-Seekers in Malta (2013)

Solutions

Resettlement and Relocation

Resettlement is a protection tool that meets the specific needs of individual refugees who might be at risk in the country where they have sought refuge or where there is a lack of integration prospects. In Europe, many Member States resettle refugees from other parts of the world within their territories (more than 5,400 resettled from elsewhere to the EU in 2013).

Malta is exceptional in that resettlement is done from Malta to other countries with the US being the main receiving country. Malta has also received support from other EU Member States who have accepted to receive beneficiaries of protection (relocation). This has been done through the EUREMA pilot projects as well as bilaterally.

2,400+

Resettled / relocated from Malta since 2005

412

Resettled / relocated from Malta in 2013 (mainly US)

226 resettled from Malta to the US in 2014 (as 07.05.2014)

Relocation from Malta (2008-2013)

Total around 600 departures, including

Germany 254 • France 190 • Norway 31
Ireland 20 • The Netherlands 20
Switzerland/Lichtenstein 20 • Denmark 10
Portugal 10 • The United Kingdom 10
Others around 25 in total.

Note: There was ad hoc relocation from Malta also before 2008.

Voluntary Repatriation and Return

Among the durable solutions available to refugees, voluntary repatriation remains the preferred option in many situations. Repatriation of refugees must be strictly voluntary and take place in conditions of safety and with dignity.

For people not found to be in need of international protection, Malta has the option to offer support with voluntary return, but also to initiate deportation procedures, a process also subject to human rights standards and EU regulations.

460

In 2013 around **139,000** third country nationals were returned to their country from the EU States. Malta returned 460 persons, including people who did not arrive by boat.

73

individuals in Malta have returned home in 2013 through the IOM Assisted Voluntary Return and Sustainable Reintegration in the Country of Origin programme.

Integration

Local integration is a two-way legal, economic, social, and cultural process undertaken by both the host community and the refugees. Malta does not yet have a comprehensive national integration policy or framework.

30%

Of the **18,700** individuals who arrived in Malta from Libya since 2002, UNHCR estimates that around **5,000** people (**30%**) remain in Malta.

2013 Integration Research

(Office of the Refugee Commissioner)

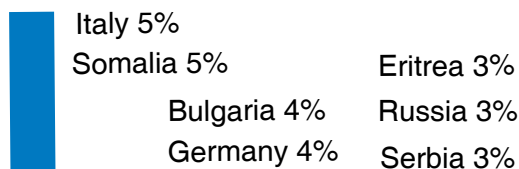
Among findings from over 800 interviews of beneficiaries of protection and migrants:

- 71% live in private accommodation with two to four tenants.
- 97.61% of respondents have a clean police record.
- The majority of those working earn minimum wage.

Beneficiaries of protection have a right to a travel document and many opt to leave the island on their own initiative. Some are returned to Malta under the Dublin Regulation framework.

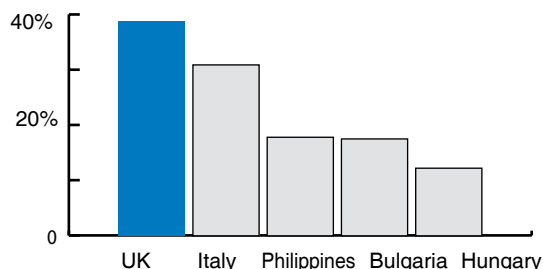
There are 20,289 non-Maltese living in Malta, 60% of them are EU citizens.

UK 33%



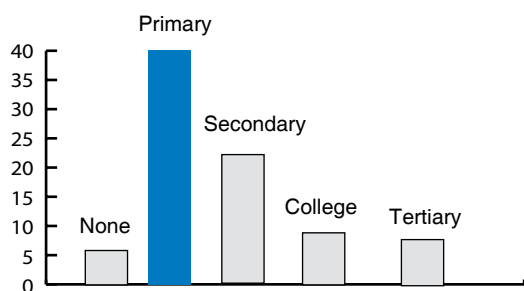
% of total non-Maltese living in Malta (2011 Malta census)

Top 5 foreign nationalities working in Malta

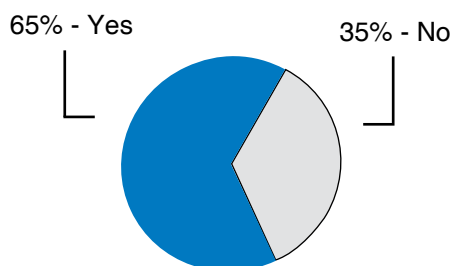


Findings from home visits to 150 beneficiaries of protection in Malta.

Level of education - percentage



Are working refugees paying taxes and NI?

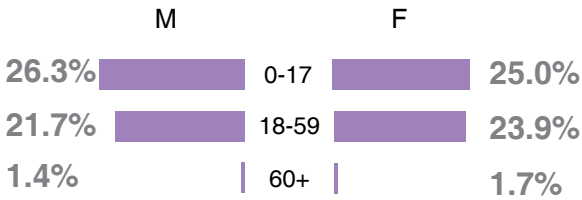
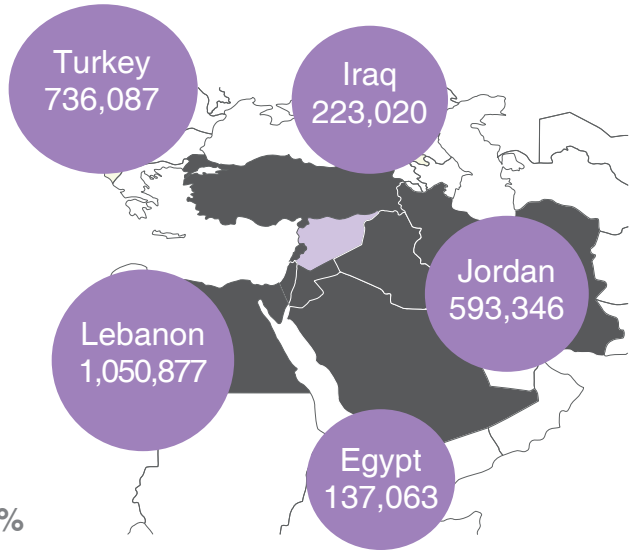


See also full report: *Nitkellmu? Perspectives on refugee integration in Malta*

Syria Emergency

2,760,090

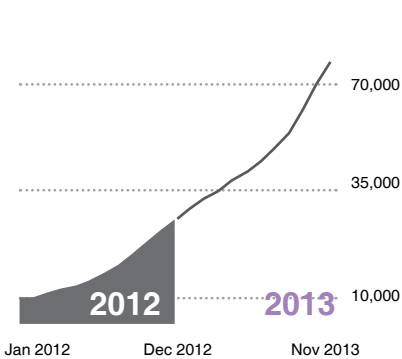
is the total number of refugees, 51% are children. A further 3.5M are internally displaced.



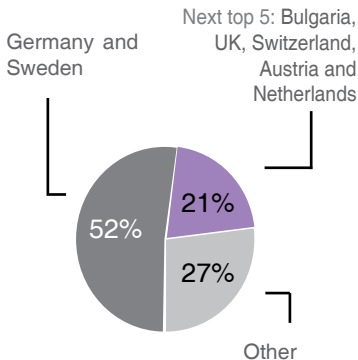
Europe: Syrian Asylum Applications

The number of Syrians arriving in Europe seeking international protection has increased in 2013, although it remains comparatively low, as less than 4% of Syrians who have fled the conflict have sought safety in Europe. In 2013 Malta received 247 applications for asylum from Syrian nationals.

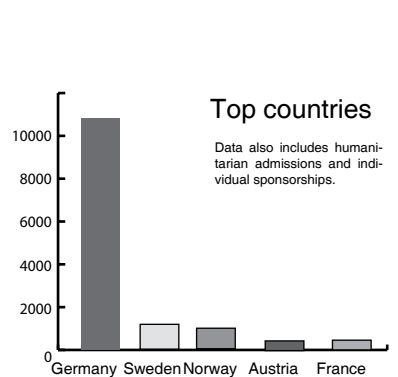
Syrian asylum applications in EU



Main hosting countries in the EU



European Resettlement for Syrian refugees



Glossary

A **Refugee** according to the 1951 Convention (and also Maltese legislation) is a person 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 or habitual residence and is not able to, or because of such fear, is not willing to avail himself of the protection of that country.

Unaccompanied and Separated Children are persons below the legal age of majority who are not in the company of an adult who, by law or custom, is responsible for them, such as parents, guardians or primary caregivers.

An **Irregular Migrant** is a person who (a) has entered the territory without a valid visa/document, or (b) over-stayed his/her visa, or (c) has remained on the territory despite an expulsion order.

A **Stateless Person** is an individual who has no effective nationality and therefore cannot benefit from rights deriving from citizenship.

Subsidiary Protection is a form of complimentary protection given to those persons who, if returned to their country of origin, would suffer serious harm (death penalty or execution; torture or inhuman and degrading treatment/punishment; threat to life by reason of indiscriminate violence in situations of international or internal armed conflict).

Temporary Humanitarian Protection is a form of national protection granted to applicants who do not satisfy the conditions for refugee status or subsidiary protection, but who nonetheless should not be returned in view of humanitarian considerations. It may be granted to minors, persons who should not be returned to their country of origin on medical grounds, and persons who should not be returned to their country of origin on other humanitarian grounds. THP affords the beneficiary the same protection as that enjoyed under subsidiary protection.

Why it is incorrect to use terms such as:

“Illegal Immigrant” - A term widely used in both public and official discourse to refer to persons who have entered a country without proper visas or identity papers. The term is, however, misleading as in most countries the nature of detention is administrative and not criminal. Also, the 1951 Refugee Convention says that States cannot penalize refugees and asylum-seekers just because of unauthorized entry.

“Clandestine” - This term has a strong negative connotation, invoking a sense of criminality. Sometimes refugees and asylum seekers are often referred as “clandestines” even if they would have permission to remain in the territory of a country.

One can use terms such as “irregular migrants” instead of “illegal immigrants”. Other terms, such as “people”, “persons”, “individuals”, “migrants”, “undocumented” might be more neutral. Depending on the case and circumstances, appropriate terms are “refugees”, “asylum-seekers”, “persons seeking protection”.

More information:

GLOBAL/EU

UNHCR
WWW.UNHCR.ORG/STATISTICS

SYRIA EMERGENCY
WWW.UNHCR.ORG/SYRIA

EUROSTAT
WWW.EPP.EUROSTAT.EC.EUROPA.EU

EASO
WWW.EASO.EUROPA.EU

FRONTEX
WWW.FRONTEX.EUROPA.EU

EUROPEAN COMMISSION
WWW.EC.EUROPA.EU

IOM
WWW.IOM.INT

ECRE
WWW.ECRE.ORG

MALTA

UNHCR MALTA
WWW.UNHCR.ORG.MT

EUROPEAN PARLIAMENT
INFORMATION OFFICE IN MALTA
WWW.EUROPARLMT.EU

NATIONAL STATISTICS OFFICE
WWW.NSO.GOV.MT

FUNDS & PROGRAMMES DIVISION
[HTTPS://SECURE2.GOV.MT/FPD/HOME](https://secure2.gov.mt/FPD/home)

MINISTRY FOR SOCIAL DIALOGUE, CONSUMER
AFFAIRS AND CIVIL LIBERTIES
WWW.MSDC.GOV.MT

MINISTRY FOR HOME AFFAIRS
AND NATIONAL SECURITY
WWW.MHAS.GOV.MT

NATIONAL COMMISSION FOR THE PROMOTION OF
EQUALITY
WWW.EQUALITY.GOV.MT

NGOs

ADITUS
WWW.ADITUS.ORG.MT

EMIGRANTS' COMMISSION
WWW.MECMALTA.COM

FOUNDATION FOR SHELTER AND
SUPPORT TO MIGRANTS
WWW.FSMMALTA.ORG

INTEGRA
WWW.INTEGRAFOUNDATION.ORG

JESUIT REFUGEE SERVICE
WWW.JRSMALTA.ORG

KOPIN
WWW.KOPIN.ORG

MALTA RED CROSS
WWW.REDCROSS.ORG.MT

ORGANISATION FOR FRIENDSHIP IN DIVERSITY
WWW.OFD.ORG.MT

PEACE LAB
WWW.PEACELAB.ORG

PEOPLE FOR CHANGE FOUNDATION
WWW.PFCMALTA.ORG

SOS MALTA:
WWW.SOSMALTA.ORG



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