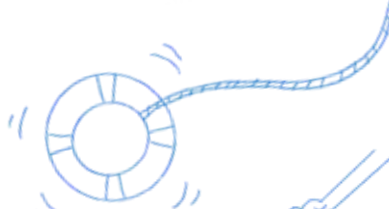


# KNOW THE FACTS

A TOOLKIT ON ASYLUM  
AND MIGRATION FOR THE  
EUROPEAN ELECTIONS



**UNHCR**  
The UN Refugee Agency





# KNOW THE FACTS

**A TOOLKIT ON ASYLUM  
AND MIGRATION FOR THE  
EUROPEAN ELECTIONS**



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.

*Know the Facts – a toolkit on asylum and migration for the European elections* presents statistics, legislation and general information 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.

The UN Refugee Agency office in Malta has partnered with the European Parliament Office in Malta for the second edition of *Know the Facts – a toolkit on asylum and migration for the European elections* ahead of the 2019 European Parliament elections. As mixed migration is always a topic of discussion during election times, it is important for candidates to be equipped with the correct information, statistics, and where to look for the facts.

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. A soft copy is also made available on [unhcr.org.mt](http://unhcr.org.mt).

#### CREDIT

This booklet contains facts and information from the following public sources:

United Nations High Commissioner for Refugees (UNHCR) and the European Parliament Office in Malta  
Malta Office of the Refugee Commissioner (RefCom)  
Agency for the Welfare of Asylum Seekers (AWAS)  
Malta National Statistics Office (NSO) and Eurostat  
Ministry for Home Affairs and National Security

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

Booklet first published in April 2019.

Editor: Fabrizio Ellul

Design: Farrugia Group

[UNHCR.ORG.MT](http://UNHCR.ORG.MT)

## CONTENTS

<b>6</b>	<b>MIXED MIGRATION</b>
<b>8</b>	<b>GLOBAL TRENDS</b>
<b>10</b>	<b>ASYLUM TRENDS IN MALTA</b>
<b>12</b>	<b>FAMILY REUNIFICATION</b>
<b>14</b>	<b>THE MEDITERRANEAN SEA</b>
<b>16</b>	<b>LIBYA SITUATION</b>
<b>20</b>	<b>RECEPTION OF ASYLUM-SEEKERS IN MALTA</b>
<b>22</b>	<b>DUBLIN REGULATION</b>
<b>24</b>	<b>RELEVANT EU DIRECTIVES AND TRANSPOSITION INTO MALTESE LEGISLATION</b>
<b>25</b>	<b>STATELESSNESS</b>
<b>26</b>	<b>DURABLE SOLUTIONS – RESETTLEMENT AND VOLUNTARY RETURN</b>
<b>28</b>	<b>DURABLE SOLUTIONS – SOCIAL INCLUSION</b>
<b>30</b>	<b>WHAT YOU CAN DO</b>
<b>32</b>	<b>CONTACTS</b>

## MIXED MIGRATION

### The Universal Declaration of Human Rights, Article 14:

Everyone has the right to seek and to enjoy in other countries asylum from persecution.

### 1951 Convention and the 1967 Protocol:

The 1951 Refugee Convention is the key legal document that forms the basis of UNHCR's work. Ratified by 145 state parties, it defines the term 'refugee' and outlines the rights of the displaced, as well as the legal obligations of states to protect them.

The core principle is **non-refoulement**, which asserts that a refugee should not be returned to a country where they face serious threats to their life or freedom. This is now considered a rule of customary international law.

#### Q - WHO IS AN ASYLUM-SEEKER?

A - An **asylum-seeker** is a person who is seeking international protection. In countries with individualised procedures, an asylum-seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum-seeker will ultimately be recognised as a refugee (or given another form of protection), but every refugee is initially an asylum-seeker.

#### Q - WHO IS A REFUGEE?

A - 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 in a particular social group or political opinion, is outside the country of his/her nationality or habitual residence and is not able to, or because of that fear, is not willing to, avail himself or herself of the protection of that country.

#### Q - WHO IS A MIGRANT?

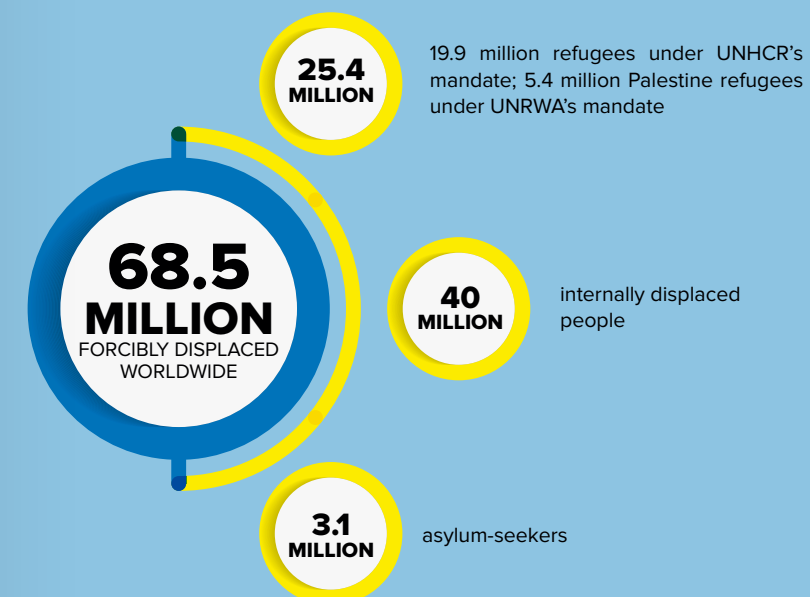
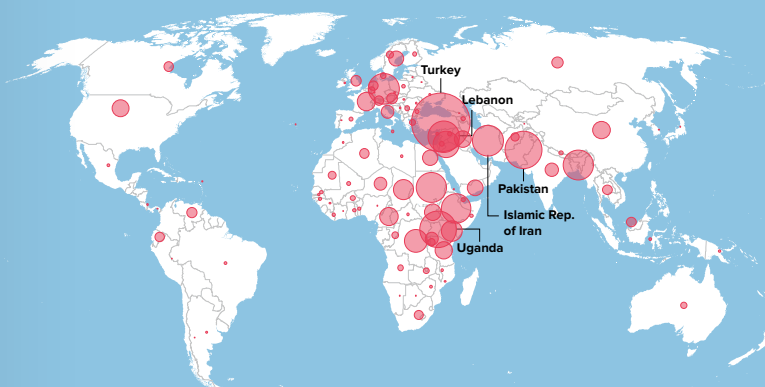
A - No universally accepted definition for **'migrant'** exists. The term is usually understood to cover all cases where the decision to migrate was taken freely by the individual concerned for personal reasons and without the intervention of an external compelling factor; it therefore applies to persons, and family members, moving to another country or region to better their material or social conditions and improve the future prospects for themselves or their family.

### OBLIGATIONS

Every refugee has duties to the country in which he or she finds him or herself, which duties require in particular that the refugee conforms to the country's laws and regulations, as well as to measures taken for the maintenance of public order. (Art 2 of the 1951 Geneva Convention)

**A beneficiary of protection is entitled to a number of rights. These may vary in different countries.**

### REFUGEES - INCLUDING PERSONS IN A REFUGEE-LIKE SITUATION



## GLOBAL TRENDS

# 5 MILLION

DISPLACED PEOPLE RETURNED

In 2017, nearly 5 million displaced people returned to their areas or countries of origin, being 4.2 million internally displaced people and 667,400 refugees. Returns have not kept pace with the rate of new displacements.

# 102,800

REFUGEES FOR RESETTLEMENT

# 173,800

UNACCOMPANIED AND SEPARATED CHILDREN

Children below 18 years of age constituted about half of the refugee population in 2017, up from 41% in 2009 but similar to more recent years.

# 52%

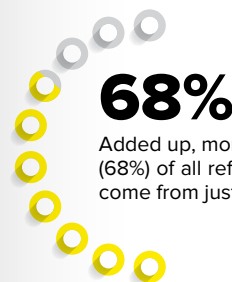
# 86%

Developing regions hosted 86% of the world's refugees under UNHCR's mandate, or about 16.9 million people. The least developed countries provided asylum to a growing proportion, amounting to one-third of the global total (6.7 million refugees).

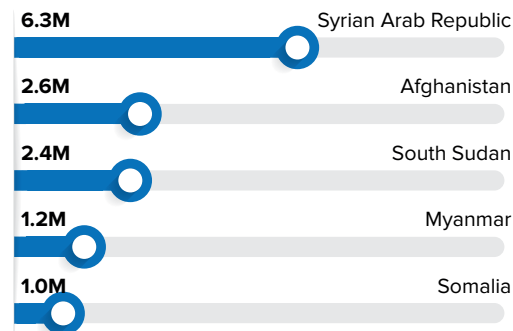
Lebanon continued to host the largest number of refugees relative to its national population. One in 6 people in Lebanon is a refugee under the responsibility of UNHCR. Jordan (1 in 14) and Turkey (1 in 23) ranked second and third, respectively. When Palestinian refugees under UNRWA's mandate are included, the figures rise to 1 in 4 for Lebanon and 1 in 3 for Jordan.

# 1 in 6

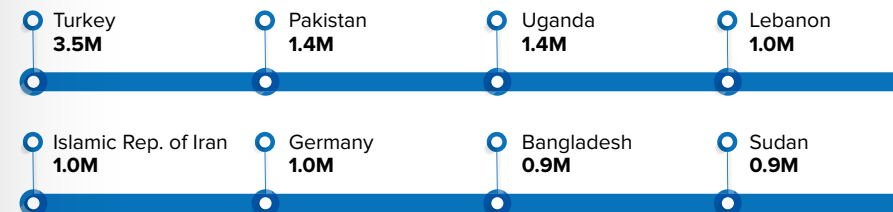
PEOPLE IN LEBANON IS A REFUGEE



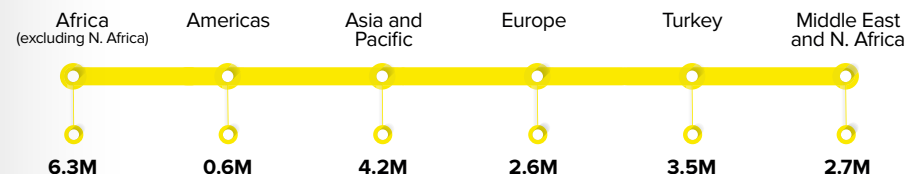
Added up, more than two thirds (68%) of all refugees worldwide come from just five countries



### TOP HOSTING COUNTRIES



### REFUGEE POPULATION BY UNHCR REGION (2017)



Source: Global Trends (2017) - <https://www.unhcr.org/5b27be547.pdf>

All numbers are rounded up.

### EU Update: EU ASYLUM APPLICATIONS LODGED IN SELECTED COUNTRIES IN EUROPE January-October 2018

More than half of all new asylum applications (56%, or some 118,700 applications) received from January to October 2018 were lodged in Germany, which is about 22% less than in the same period in 2017. Asylum-seekers from Afghanistan, Syria and Iraq accounted for more than half (54%) of all applications.

Data source: UNHCR and governments

All numbers are rounded up to the nearest 100.

\* Number of asylum applications is less than 100.

\*\* For analysis of top 10 countries of origin, cumulative data for all 44 countries was used.

# ASYLUM TRENDS IN MALTA

The Office of the Refugee Commissioner implements a single asylum procedure. It first examines whether the applicant fulfils the criteria for recognition as a refugee according to the law. In the case of those who do not meet the criteria to be recognised as refugees, the Office proceeds to examine whether the applicant fulfils the criteria for subsidiary protection according to the law.

The applicant is informed in writing about the decision issued by the Office of the Refugee Commissioner. The reasons in fact and in law are stated in the decision. In the case of a negative decision, applicants are informed of their right to enter an appeal against this decision to the Refugee Appeals Board. Information on how to challenge a negative decision is given in writing to those applicants whose application was rejected with regards to Refugee Status and/or Subsidiary Protection Status.

### Levels of Protection:

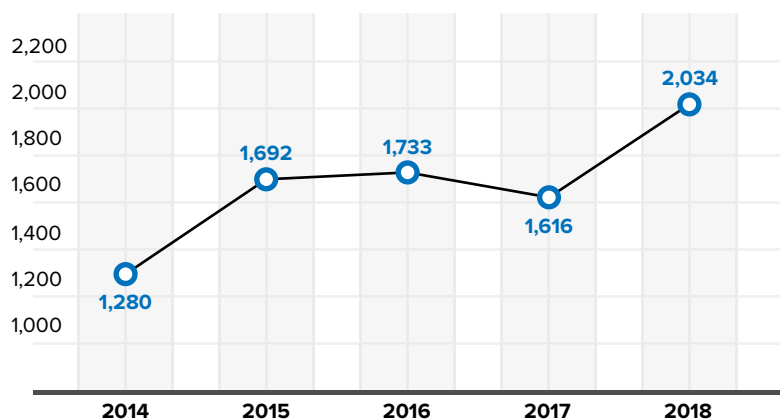
The Office of the Refugee Commissioner, as stipulated by law, may recommend two types of protection: (a) Refugee Status and (b) Subsidiary Protection Status.

The Office of the Refugee Commissioner can also recommend another regime of protection, Temporary Humanitarian Protection, an administrative procedure which is granted in special and extraordinary cases where applicants are found not to be eligible for recognition as refugees or beneficiaries of subsidiary protection but are nonetheless considered to be in need of protection due to special humanitarian reasons.

Source: Ministry for Home Affairs and National Security

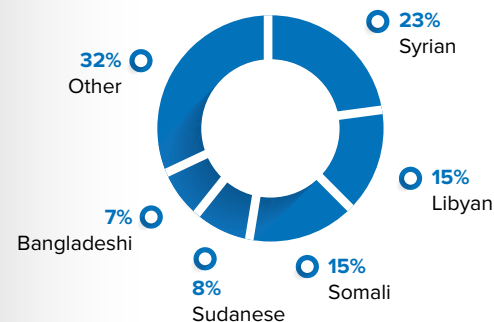
## ASYLUM TRENDS IN MALTA

### 1.1 | ASYLUM APPLICATIONS



In 2018 Malta received asylum applications from both regular and irregular arrivals (sea arrivals from Libya).

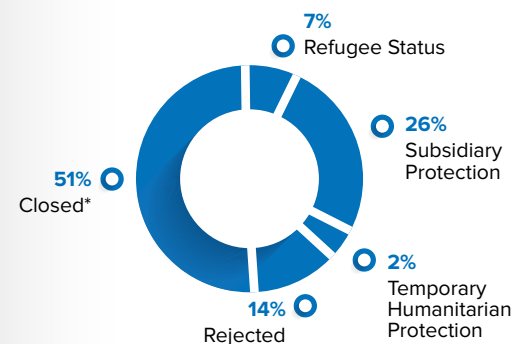
### 1.2 | TOP NATIONALITIES APPLYING FOR ASYLUM IN 2018



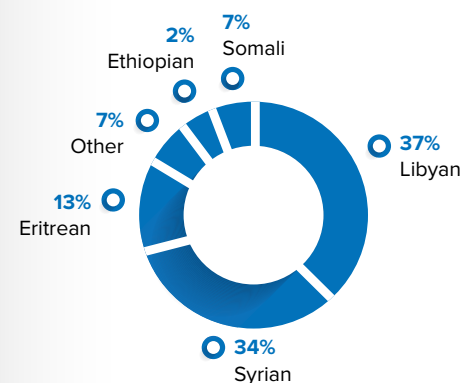
Subsidiary Protection is a form of complementary protection given to those persons who, if returned to their country of origin, would suffer serious harm (death penalty or execution; torture or inhuman and degrading treatment/punishment; threat to life by reason of indiscriminate violence in situations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

(Refugee Status: see page 6)

### 1.3 | DECISION RATE (2018)



### 1.4 | TOP NATIONALITIES GRANTED INTERNATIONAL PROTECTION (2018)



\* 'Closed' refers to applications that result in an administrative closure, Dublin closure or exclusion, and applications that are explicitly withdrawn, implicitly withdrawn or inadmissible.

Source: Office of the Refugee Commissioner

# FAMILY REUNIFICATION

---

Many people fleeing persecution and conflict become separated from their families. They may have to leave family members behind or have to leave without being able to ensure or know if they are safe. They may become separated or lose track of each other during flight. Finding and reuniting with family members can be one of the most pressing concerns of asylum-seekers, refugees and others in need of international protection.

Family reunification is a fundamental aspect of bringing normality back to the lives of persons who have fled persecution or serious harm and have left family behind during forced displacement and flight.

Article 4(1) of SL 217.06 (the Laws of Malta) mentions the family members who can be reunified with the sponsor in Malta:

- a. the sponsor's spouse, who shall be twenty-one years of age or over, provided that in the event of a polygamous marriage, where the sponsor already has a spouse living with him in Malta, the Director shall not authorise the family reunification of a further spouse;
- b. the unmarried minor children of the sponsor and of his spouse\*, including children adopted in a manner recognised by Maltese law;
- c. the unmarried minor children, including adopted children, of the sponsor or of the spouse, as the case may be, where the sponsor or the spouse has custody and the children are dependent on him\*.

Chapter V of the Family Reunifications Directive provides unique and less stringent obligations for refugees when they apply for family reunification, namely:

1 or unaccompanied minor refugees, family reunification with their first-degree relatives shall be authorised. If no first-degree relatives are available, a legal guardian or any other member of the family shall be authorised for family reunification.

\* Relevant EU Directive quotes "his/her spouse" / "dependent on him/her", as is also applicable per Maltese policy.

2 Where a refugee cannot provide official documentary evidence of the family relationship, other evidence shall be accepted. A decision rejecting an application may not be based solely on the lack of documentary evidence.

3 If applying for family reunification within three months of being granted refugee status, the requirement to provide evidence of accommodation, medical insurance and sufficient resources shall be waived.

4 Refugees shall not be required to have resided in the country for a certain period of time before having their family members join them.

---

In Malta, even according to amended Family Reunification Regulations, beneficiaries of Subsidiary Protection are not only excluded from the preferential family reunification regime, but are completely excluded from applying for family reunification:

Article 3(2): The sponsor shall not be entitled to apply for family reunification if he or she ... (c) is authorised to reside in Malta on the basis of a subsidiary form of protection or awaiting a decision thereon.

# THE MEDITERRANEAN SEA

## WHAT IS 'SEARCH AND RESCUE'? (SAR)

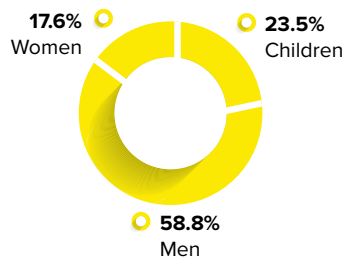
According to the 1979 International Convention on Maritime Search and Rescue (SAR Convention), which recognises the desirability of co-ordinating activities regarding safety on and over the sea among a number of intergovernmental organisations, states shall ensure that necessary arrangements are made for the provision of adequate search and rescue services for persons in distress at sea near their coasts. The duty to rescue persons in distress at sea is a fundamental rule of international law.

## REGIONAL STATISTICS

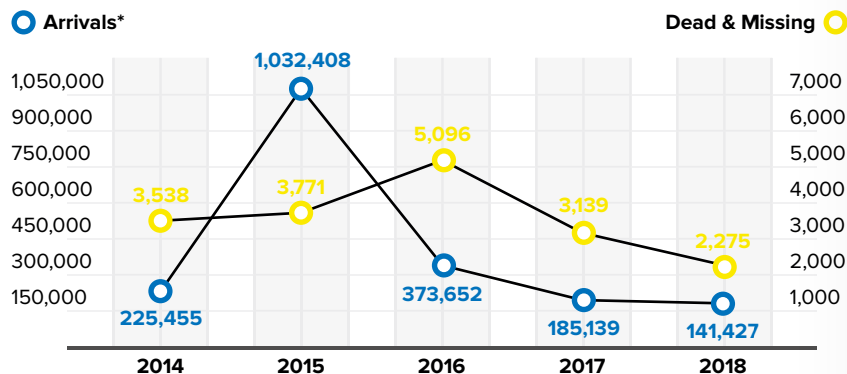
### 1.1 | 2019 SEA AND LAND ARRIVALS



### 1.2 | DEMOGRAPHICS



### 1.3 | SEA AND LAND ARRIVALS: 2014 - 2018

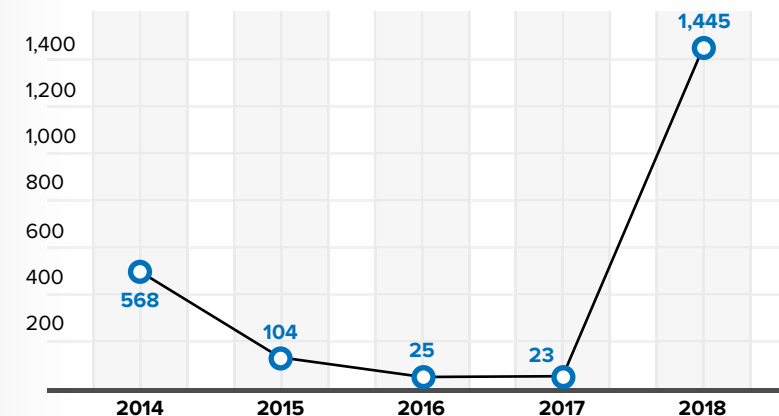


\* Arrivals include sea arrivals to Italy, Cyprus and Malta and both sea and land arrivals to Greece and Spain

Source: <https://data2.unhcr.org/en/situations/mediterranean>

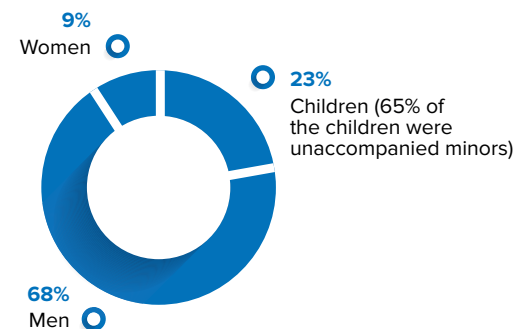
## MALTA SEA ARRIVALS

### 2.1 | ANNUAL TOTALS

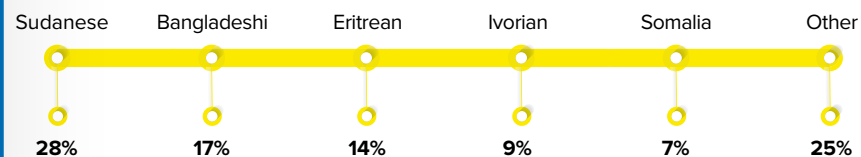


Boat arrivals to Malta are generally from Libya

### 2.2 | DEMOGRAPHICS (2018)



### 2.3 | TOP NATIONALITIES OF SEA ARRIVALS TO MALTA (2018)



A number of persons were relocated to other EU Member States. As of 25/1/19 the number of people relocated was 423. Pending relocations numbered 180.

Source: Immigration Police



# LIBYA SITUATION

Libya continues to endure an extremely volatile security situation, and is routinely using detention centres for asylum-seekers and migrants returned to its shores. There are widespread reports of grave human rights violations taking place inside these detention centres.

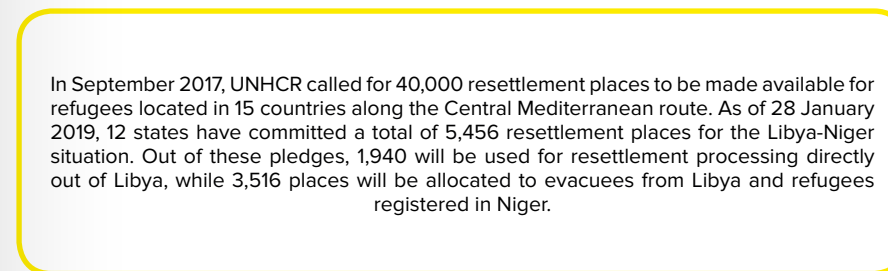
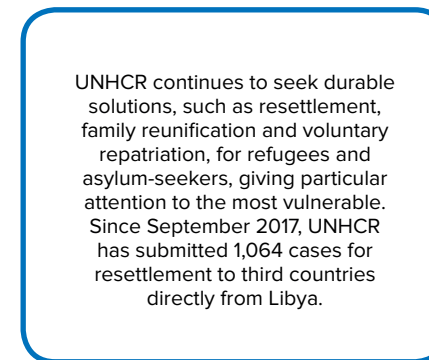
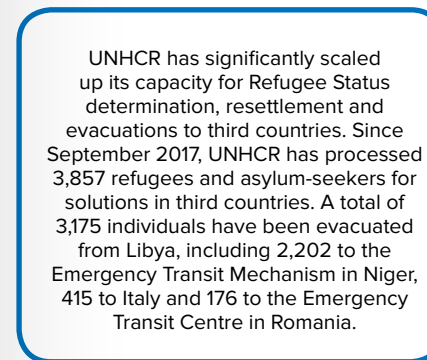
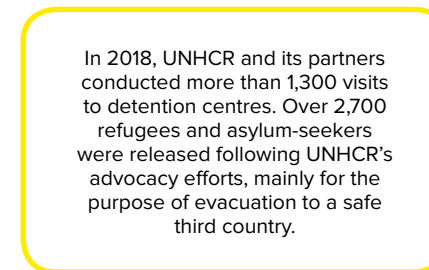
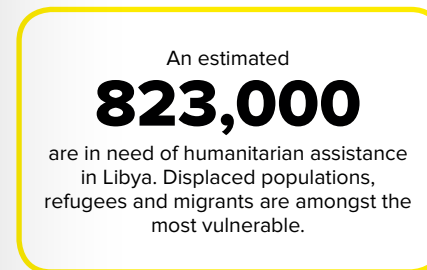
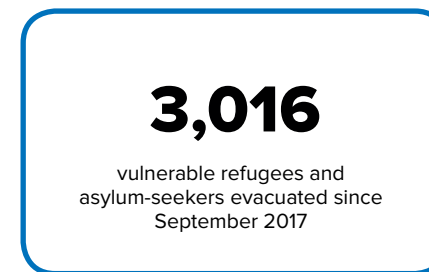
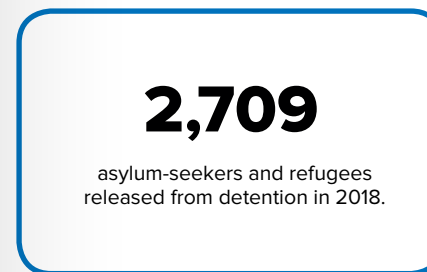
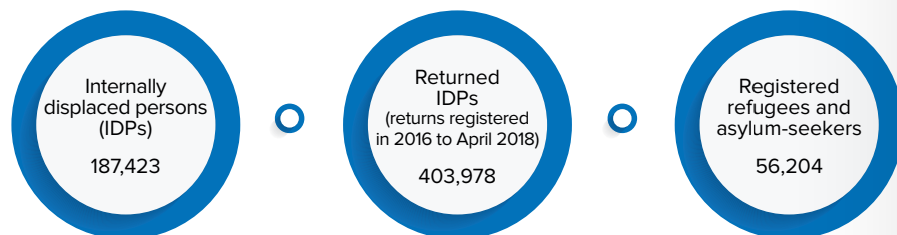
UNHCR POSITION ON RETURNS TO LIBYA (Update II) – September 2018

## DESIGNATION OF LIBYA AS A SAFE THIRD COUNTRY

UNHCR does not consider it appropriate for states to designate or apply in practice a designation of Libya as a so-called ‘safe third country’. The designation of a country as a safe third country may result in a request for international protection not being considered on its merits but declared inadmissible, or processed in an accelerated procedure with reduced procedural safeguards. Even before the current unrest and insecurity, UNHCR considered that Libya should not be regarded as a safe third country in light of the absence of a functioning asylum system, the widely reported difficulties and abuses faced by asylum-seekers and refugees in Libya, the absence of protection from such abuses and the lack of durable solutions. UNHCR calls on states not to channel applications for international protection from third-country nationals into an accelerated procedure or declare them inadmissible merely on the basis that they previously resided in or transited through Libya.

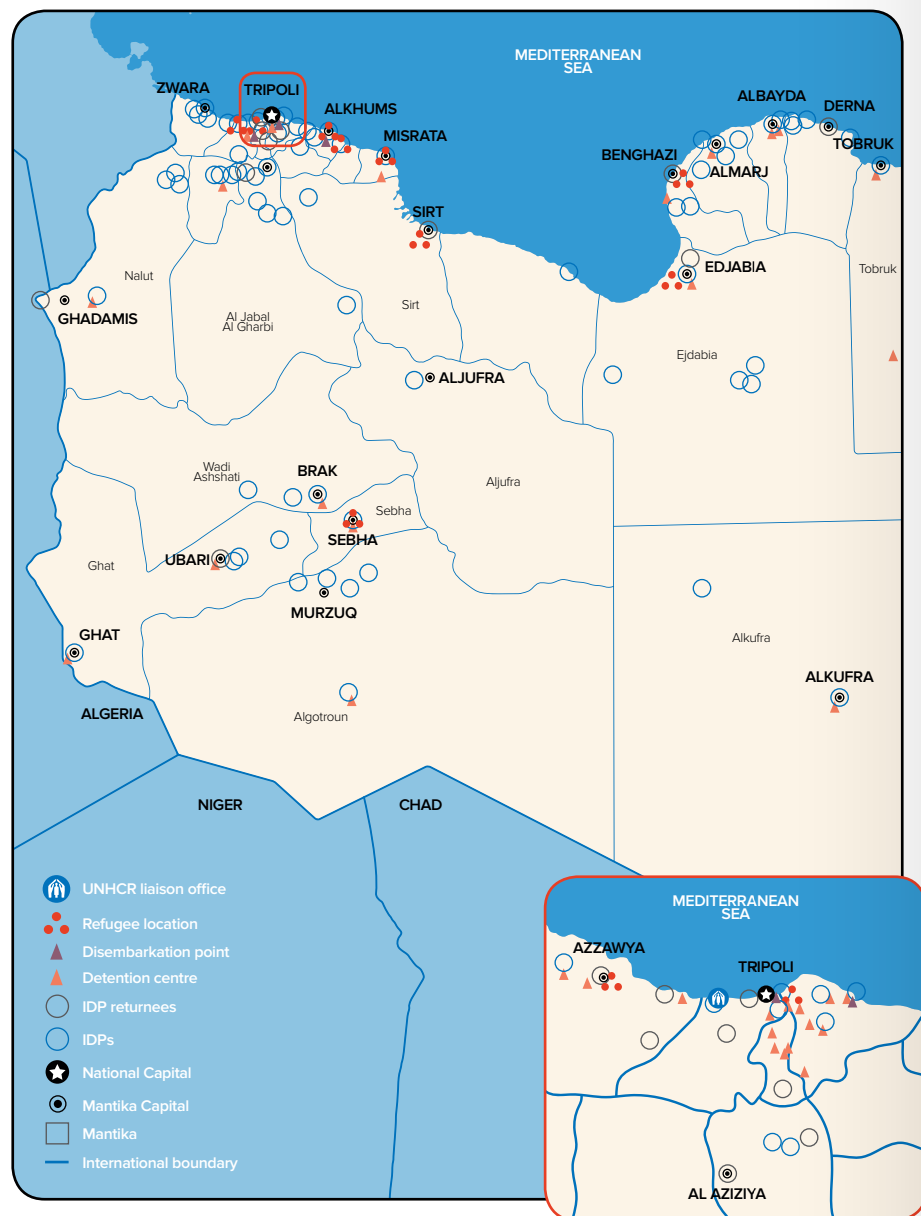
## DESIGNATION OF LIBYA AS A PLACE OF SAFETY FOR THE PURPOSE OF DISEMBARKATION FOLLOWING RESCUE AT SEA

In the context of rescue at sea and in line with international maritime law, disembarkation is to occur in a predictable manner in a place of safety and in conditions that uphold respect for the human rights of those who are rescued, including adherence to the principle of non-refoulement. When asylum-seekers, refugees and migrants are rescued at sea, including by military and commercial vessels, “the need to avoid disembarkation in territories where [their] lives and freedoms (...) would be threatened” is relevant in determining what constitutes a place of safety. In light of the volatile security situation in general and the particular protection risks for third-country nationals (including detention in substandard conditions and reports of serious abuses against asylum-seekers, refugees and migrants), UNHCR does not consider that Libya meets the criteria for being designated as a place of safety for the purpose of disembarkation following rescue at sea. The proposed establishment of a Gathering and Departure Facility as an alternative to detention does not change UNHCR’s position that Libya cannot be designated as a place of safety for the purpose of disembarkation, noting also that all individuals transferring through this facility would have to be evacuated from Libya for protection-related reasons, although this may not be an option for all.



Data as February 2019.

# LIBYA SITUATION INFOGRAPHIC MAP



## UNHCR KEY ACHIEVEMENTS



**36,764** medical consultations (in 2019 At disembarkation: **22**, In detention: **2,273**, Urban: **1,763**)



**10,360** rescue kits and **1,633** medical consultations provided at disembarkation points (**358** rescue kits in 2019)



**122,574** IDPs and refugees received non-food items (in 2019 IDPs: **7,935**, Refugees: **2,522**)



**1,591** monitoring visits to detention centres (**217** in 2019)



**174** Quick Impact Projects implemented (**3** in 2019)



**3,123** detained refugees or asylum-seekers released (**439** in 2019)



**4,099** IDPs and refugee households received cash assistance (**108** in 2019)



**509** refugees departed from Libya via Gathering and Departure Facility (**289** in 2019)



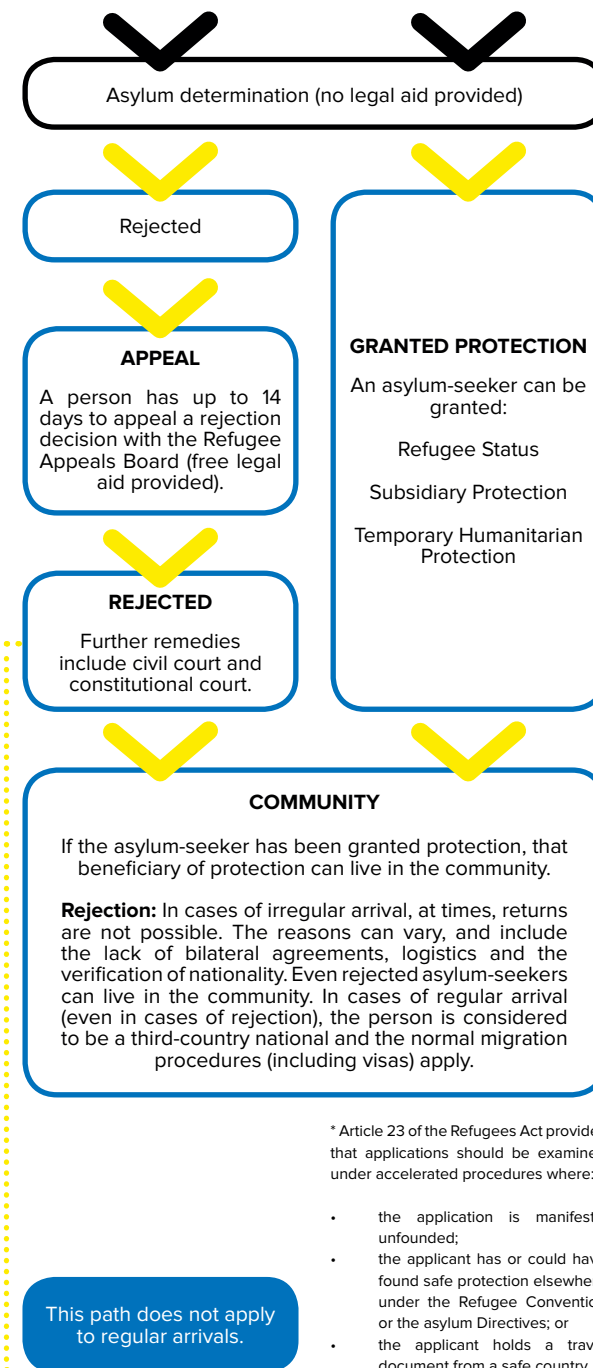
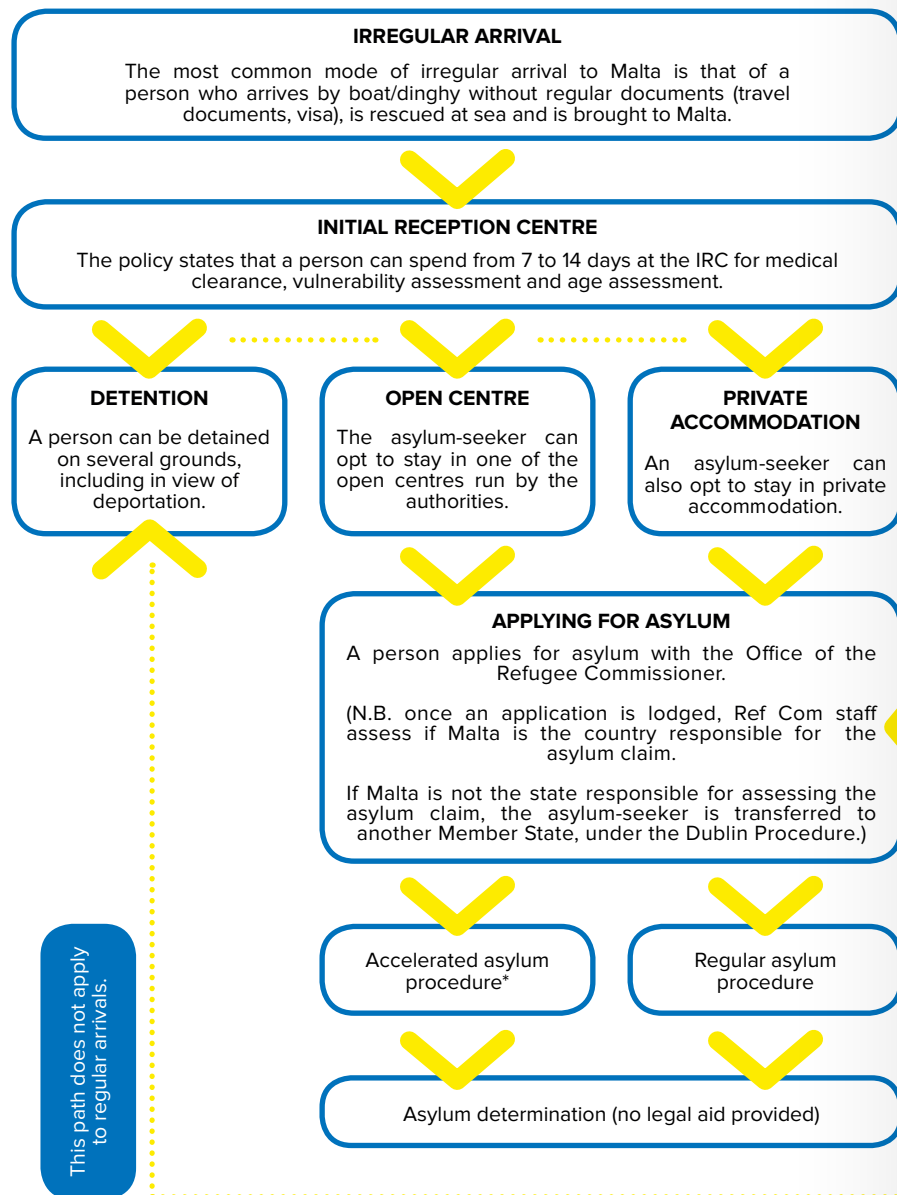
**16,429** individuals registered (**1,302** in 2019)



**4,324** refugees and asylum-seekers reached with solutions since Sept. 2017: **1,149** submissions for resettlement to third countries, **3,175** individuals evacuated from Libya (**2,491** to Niger, **415** to Italy and **269** to Romania)

Data: January 2019 – UNHCR Libya  
Libya updates: <http://reporting.unhcr.org/node/12003>

# RECEPTION OF ASYLUM-SEEKERS IN MALTA



# DUBLIN REGULATION

The Dublin Regulation constitutes the only regional instrument that governs the allocation of responsibility for asylum-seekers, and is an important tool for asylum-seekers to be reunited with their families within the EU.

Refugee movements and migration are at the centre of global attention. In recent years, Europe has had to respond to the most severe migratory challenge since the end of the Second World War. The unprecedented arrival of refugees and irregular migrants in the EU, which peaked in 2015, exposed a series of deficiencies and gaps in EU policies on asylum, external borders and migration.

In response to these challenges, the EU has embarked on a broader process of reform aimed at rebuilding its asylum and migration policies based on four pillars: reducing the incentives for irregular migration by addressing its root causes, improving returns and dismantling smuggling and trafficking networks; saving lives and securing the external borders; establishing a strong EU asylum policy; and providing more legal pathways for asylum-seekers and more efficient legal channels for regular migrants.

The European Union has launched the process of reforming the Dublin Regulation. The European Parliament has reached a position, while the European Council has yet to reach one.

## THE EUROPEAN PARLIAMENT'S POSITION ON THE DUBLIN REGULATION:

- The country in which an asylum-seeker first arrives would no longer be automatically responsible for processing the asylum application.
- Asylum-seekers with a "genuine link" to a particular EU country should be transferred there.
- Those without a genuine link to an EU country should be shared fairly among all Member States. Countries refusing to participate in the transfer of asylum-seekers could lose EU funds.
- Security measures should be stepped up, and all asylum seekers must be registered upon arrival, with their fingerprints checked against relevant EU databases.
- Provisions on minors should be strengthened and family reunification procedures accelerated.

All relevant documents can be found on the European Parliament website -EU asylum reform: Parliament's stance on the Dublin Regulation: <https://bit.ly/2KuuHOy>

Additional relevant material:

*Fact sheet on the European Union – Migration and Asylum: A challenge for Europe* <https://bit.ly/2vaOeZy>  
*EU policies – Delivering for citizens: The migration issue* <https://bit.ly/2Zj4fKV>

## UNHCR VIEW:

The Dublin Regulation has largely failed both asylum-seekers and Member States – with low numbers of transfers being effected, in particular for family reunion, and inconsistent implementation generally widespread. UNHCR is of the opinion that a radical re-think of the Dublin Regulation is required.

The reform should be guided by the necessity to develop a system that is flexible enough to adapt to changes in flows and ensures the equitable sharing of responsibilities within the EU in the interest of asylum-seekers and Member States alike. UNHCR also considers that the efficiency of the system can be improved without sacrificing the procedural and substantive rights of applicants.

The full comment and recommendations: <https://www.refworld.org/pdfid/585cdb094.pdf>

## UNHCR'S RECOMMENDATIONS FOR THE ROMANIAN PRESIDENCY INCLUDE:

Reforming the Dublin Regulation to include a relocation mechanism, complemented by swift asylum decisions and integration support for those granted protection to help reduce onward movement, would be the most sustainable and effective way of sharing responsibility among EU MS.

The Romanian Presidency continues to advance efforts to establish an effective solidarity mechanism to support EU MS receiving a disproportionate number of asylum claims, in particular a relocation mechanism as part of the reform of the Dublin Regulation.

Until such a mechanism is in place, the Romanian Presidency encourages ad hoc arrangements, in line with existing EU law and frameworks, to foster responsibility sharing. This would include relocation on a voluntary basis and a more generous use of discretionary powers under the current Dublin Regulation.

UNHCR's recommendations for the Romanian Presidency of the Council of the EU: <https://www.refworld.org/docid/5c1b68684.html>

# RELEVANT EU DIRECTIVES AND TRANSPOSITION INTO MALTESE LEGISLATION

The following is a list of the relevant EU directives related to asylum and international protection, and where to find them.

## **(EU) “Qualification Directive” – Directive 2011/95/EU**

relating to minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted

## **(EU) “Procedures Directive” – Directive 2013/32/EU**

relating to minimum standards on procedures in Member States for granting and withdrawing international protection

**(MT)** The two directives above are transposed in the **Refugees Act** Cap 420 of LOM and relative subsidiary legislation and legal notices, including **LN 243 of 2008** (as amended by LN 161 of 2014/ LN 416 of 2015), Procedural Standards in examining applications for refugee status regulations and SL 420.05 Temporary Protection for Displaced Persons (minimum standards) Regulations relating to and establishing procedures with regard to refugees and asylum-seekers, rights of refugees, persons enjoying subsidiary protection and asylum seekers (last updated in 2017).

## **(EU) “Reception Directive” – Directive 2013/33/EU**

relating to the minimum standards for the reception of asylum-seekers transposed in...

**(MT) Reception of Asylum-Seekers** (Minimum Standards) Regulations SL 420.06 (LN 417 of 2015)

## **“Dublin Regulation III” – Commission Regulation EU 604/2013**

establishes the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or stateless person (directly applicable – binds all states in its entirety)

## **(EU) “Long Term Residence Directive” – Council Directive 2003/109/EC**

relating to the status of third-country nationals who are long term residents transposed in...

**(MT) Status of Long-term Residents** (Third-Country Nationals) Regulations LN 278 of 2006 (last amended in 2015)

## **(MT) Immigration Act Cap 217 of LOM**

having provisions regarding ‘Prohibited Immigrants’

## **(EU) “Family Reunification Directive” – Council Directive 2003/86/EC**

relating to the right of family reunification transposed in...

**(MT) Family Reunification Regulations** LN 150 Of 2007 (last amended in 2017)

# STATELESSNESS

Today, at least 10 million people around the world are denied a nationality. As a result, they often aren’t allowed to go to school, see a doctor, get a job, open a bank account, buy a house or even get married.

## **Q - WHO IS A STATELESS PERSON?**

A - A person who is not considered a national by any state under the operation of its law (Article 1, 1954 Convention relating to the Status of Stateless Persons)

## **HOW DOES A PERSON BECOME STATELESS?**

- State succession (failure to consider all habitual residents as citizens)
- Discrimination (nationality laws drafted to exclude certain parts of population)
- Gaps in laws (at birth, upon renunciation, deprivation, loss of nationality)
- Conflict of laws (born of *jus soli* parents in *jus sanguinis* country)

## **INTERNATIONAL CONVENTIONS :**

- 1954 Convention Relating to the Status of Stateless Persons (to identify and protect)
- 1961 Convention on the Reduction of Statelessness (to prevent and reduce)

Malta is one of the four countries in the EU (with Poland, Cyprus, Estonia) still not party to any of the statelessness conventions.

The Maltese government is “actively considering” to accede to the 1954 Statelessness Convention.

## **EUROPEAN CONVENTIONS:**

- 1997 Council of Europe Convention on Nationality
- 2006 Council of Europe Convention on the avoidance of statelessness in relation to state succession

It is important to note that if a person is stateless it does not necessarily mean he or she is also a refugee.

Governments can sign the Conventions, set up statelessness determination procedures if applicable, change national laws to prevent and reduce statelessness and give stateless people rights and a place to belong.

## **N.B. ON STATISTICS**

Statelessness is sometimes referred to as an invisible problem, and stateless people frequently live in precarious situations on the margins of society, making it a challenge to measure the issue. Despite increased awareness of statelessness globally, more needs to be done to encourage and capacitate governments to identify and report on stateless people on their territory. Fewer than half the countries in the world have any government data on stateless populations. As a result, UNHCR was unable to provide comprehensive statistics on stateless people in all countries in 2017.

Source: UNHCR Global Trends 2017

# DURABLE SOLUTIONS – RESETTLEMENT AND VOLUNTARY RETURN

## RESETTLEMENT:

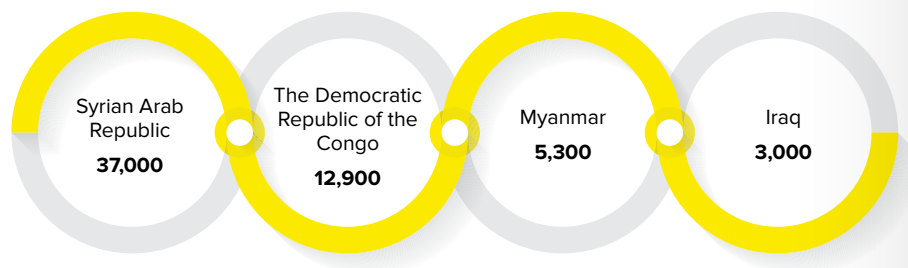
Many refugees cannot go home because of continued conflict, war and persecution. Many also live in perilous situations or have specific needs that cannot be addressed in the country where they have sought protection. In such circumstances, UNHCR helps resettle refugees to a third country.

Resettlement is the transfer of refugees from one country of asylum to another country that has agreed to admit them and ultimately grant them permanent settlement. UNHCR is mandated by its Statute and the UN General Assembly Resolutions to undertake resettlement as one of the three durable solutions, together with voluntary return and integration.

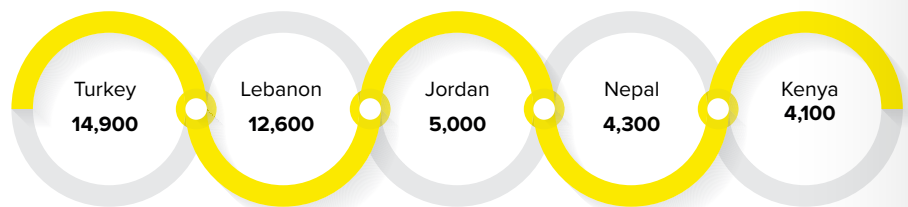
Resettlement is unique in that it is the only durable solution that involves the relocation of refugees from an asylum country to a third country.

- There were 19.9 million refugees of concern to UNHCR around the world at the end of 2017, but less than 1% were resettled that year.
- In 2017, UNHCR submitted the files of over 75,100 refugees for consideration by resettlement countries.

The main beneficiaries of UNHCR-facilitated resettlement programmes during this period came from the following countries:



More than 65,000 individuals departed to resettlement countries with UNHCR's assistance in 2017.



## RESETTLEMENT FROM MALTA TO THE US OR OTHER EU MEMBER STATES

	PERSONS RELOCATED TO EUROPEAN STATES (EU/NON-EU)		PERSONS RESETTLED TO THE US			PERSONS RESETTLED TO OTHER COUNTRIES	
	0	0	0	0	0	0	4
	0	0	28	175	188	244	176
	36	20	48	0	106	221	164
	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
	8	0	0	0	0	0	0
	307	392	577	568	455	171	79
	105	20	0	0	0	0	0
	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>

The resettlement programme from Malta to the US ended in 2017, however departures of individuals who had been identified for resettlement before the programme was closed continued in 2018.

## RELOCATION TO MALTA

168 asylum-seekers have been relocated from Italy and Greece to Malta since 2016. A further 17 individuals have been transferred to Malta from Turkey.\*

## VOLUNTARY RETURNS

Among the durable solutions available to displaced persons, voluntary repatriation remains the preferred option in the majority of situations. Unfortunately, it has become one of the more difficult solutions to achieve. Countries and regions of origin are often unable to provide displaced women and men with an acceptable level of physical, legal and material safety. At the same time, in many countries of asylum or areas of displacement, refugees and other displaced populations are perceived as a 'burden', particularly in times of economic slowdown.

More than 65,000 individuals departed to resettlement countries with UNHCR's assistance in 2017.

Voluntary repatriation is guided by human rights law. Human rights standards provide the basis for the restoration of national protection, including the right to life and liberty, to physical integrity and to non-discrimination, and economic, social and cultural rights, in the country of origin.

Repatriation of refugees must be strictly **voluntary** and take place in conditions of **safety** and with **dignity**.

\* Refer to: 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

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

# DURABLE SOLUTIONS – SOCIAL INCLUSION

## Q: WHAT IS INTEGRATION?

In UNHCR Executive Committee No. 104, UNHCR defines integration as a dynamic and multifaceted two-way process leading to full and equal membership in society. This includes preparedness by refugee communities to adapt to host societies without giving up cultural identity, and the receiving communities and institutions being equally ready to welcome refugees and meet the needs of a diverse population.

Local integration is a complex and gradual process with **legal, economic, social and cultural dimensions**.

It imposes considerable demands on both the individual and the receiving society.

In many cases, acquiring the nationality of the country of asylum is the culmination of this process. UNHCR estimates that, over the past decade, 1.1 million refugees around the world became citizens in their country of asylum.

## WHAT DOES THE COMMON EUROPEAN ASYLUM SYSTEM (CEAS) SAY ABOUT INTEGRATION?

**Qualification Directive** – Directive 2011/95/EU relating to minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted

Art 34: In order to facilitate the **integration of refugees into society**, Member States shall ensure access to integration programmes which they consider to be appropriate so as to take into account the specific needs of beneficiaries of Refugee Status or of Subsidiary Protection Status, or create pre-conditions which guarantee access to such programmes.

Transposed into Maltese Law **SL420.07 LOM Art 14** (1)(c): ...a person declared to be a beneficiary of international protection shall be entitled – (iii) to have access to... integration programmes.

## REFUGEE-LED ORGANISATIONS

Since 2016 there has been an emergence of a number of refugee-led voluntary organisations and registered communities.

This means that refugees have started to feel more settled in Malta, they have become more familiar with their environment, have the desire to make an impact and support their fellow community members, have started organising activities to better integrate in society and have started to find a voice of their own.

## INTEGRATION = BELONGING

### INTEGRATION STRATEGY IN MALTA

In December 2017, The Ministry for European Affairs and Equality launched the National Migrant Integration Strategy & Action Plan.

This Migrant Integration Strategy creates a framework for understanding successful integration through the migrants' own sense of belonging in Maltese society and the space Maltese society allows for such integration in its different sectors and strata.

Its measures include:

- the framework for different ministries and entities to include integration and social inclusion in their work and services
- the 'I Belong' programme
- an inter-ministerial committee for better collaboration among government entities
- a forum for migrants for consultation and discussion

### The Integration Unit

The IU was set up as a dedicated integration unit with the Human Rights and Integration Directorate.

Its overall objective is to promote the integration of migrants in Maltese society through the implementation of the Migrant Integration Strategy & Action Plan (vision 2020):

- increased access to sustainable integration initiatives through the IU
- promotion of integration through targeted activities and awareness raising campaigns

The 'I Belong' Programme involves the submission of a formal request, known as an integration request, by third-country nationals and beneficiaries of protection to integrate in Malta. Following this request a Personal Integration Plan (PIP) is developed by the Integration Officers with the clients.

Relevant documents:

- *INTEGRATION = BELONGING Migrant Integration Strategy & Action Plan Vision 2020*
- *Mind D Gap: Together we can make a difference*

In 2018 the Maltese government launched the Local Integration Charter. Its objective is the integration of individuals and communities at the local level becoming a basis for integration at the national and EU levels.

Visit <http://www.integration.gov.mt> for more information on the government initiative on social inclusion.

# WHAT YOU CAN DO

---

## UNHCR'S SEVEN KEY CALLS TO THE NEXT EUROPEAN PARLIAMENT TO BETTER PROTECT REFUGEES IN THE EU AND GLOBALLY

Members of the next European Parliament have a unique and important opportunity to:



### PROTECT PEOPLE'S RIGHT TO SAFETY AND ASYLUM

Every person fleeing conflict, persecution and violence has the right to seek safety. People seeking asylum at borders must be given a chance to do so. Children should never be detained, and adults only as a last resort for a short, defined period. Human rights apply to everyone and must be respected at all times.



### CREATE FAIR AND FAST EU ASYLUM PROCEDURES

People fleeing conflict, violence and persecution and arriving in the EU need to be quickly identified so that they can receive asylum and support. Those who do not qualify for protection also need to be rapidly identified and may be returned with dignity and respect.



### SHOW SOLIDARITY BETWEEN EU COUNTRIES

Responsibility for receiving as well as hosting people seeking safety and asylum can be shared in a fair and practical way by transferring asylum-seekers from countries who receive large numbers to other countries.



### OFFER MORE LEGAL OPTIONS FOR REFUGEES TO REACH SAFETY IN EUROPE

With additional, steady commitments from EU states to resettlement and other safe and legal options, fewer people will undertake dangerous journeys to seek safety in Europe.



### SAVE LIVES AT SEA

Many people are dying while trying to cross the Mediterranean. So more search and rescue capacity and safe ports for disembarkation in Europe and beyond are needed. EU countries have to agree on where people rescued at sea can safely disembark.



### WELCOME REFUGEES INTO THEIR NEW HOMES

People rebuild their lives more quickly when they feel safe, live in decent conditions and can enjoy their human rights, including the right to education. When given the chance, refugees integrate and contribute greatly to their host societies.



### HELP REFUGEES THRIVE WHEREVER THEY ARE

European support to countries all over the world will help refugees rebuild their lives wherever they are. When offered a future elsewhere, fewer people will try to make desperate journeys to reach Europe.

<https://www.unhcr.org/europeanelections>



# CONTACTS

---

UNHCR  
[WWW.UNHCR.ORG](http://WWW.UNHCR.ORG)

UNHCR Malta  
[WWW.UNHCR.ORG.MT](http://WWW.UNHCR.ORG.MT)

European Parliament Information Office in  
Malta  
[WWW.EUROPARLMT.EU](http://WWW.EUROPARLMT.EU)

EASO  
[WWW.EASO.EUROPA.EU](http://WWW.EASO.EUROPA.EU)

EUROPEAN PARLIAMENT  
[HTTP://WWW.EUROPARL.EUROPA.EU/  
PORTAL/EN](http://WWW.EUROPARL.EUROPA.EU/PORTAL/EN)

EUROPEAN COMMISSION  
[HTTPS://EC.EUROPA.EU/COMMISSION/  
INDEX\\_EN](https://ec.europa.eu/commission/index_en)

National Statistics Office  
[WWW.NSO.GOV.MT](http://WWW.NSO.GOV.MT)

### NGOs

Aditus Foundation  
[WWW.ADITUS.ORG.MT](http://WWW.ADITUS.ORG.MT)

Emigrants' Commission  
[WWW.MECMALTA.COM](http://WWW.MECMALTA.COM)

Foundation for Shelter and Support to  
Migrants  
[WWW.FSMMALTA.ORG](http://WWW.FSMMALTA.ORG)

Integra Foundation  
[WWW.INTEGRAFOUNDATION.ORG](http://WWW.INTEGRAFOUNDATION.ORG)

Jesuit Refugee Service  
[WWW.JRSMALTA.ORG](http://WWW.JRSMALTA.ORG)

Kopin  
[WWW.KOPIN.ORG](http://WWW.KOPIN.ORG)

Malta Red Cross  
[WWW.REDCROSS.ORG.MT](http://WWW.REDCROSS.ORG.MT)

Peace Lab  
[WWW.PEACELAB.ORG](http://WWW.PEACELAB.ORG)

SOS Malta  
[WWW.SOSMALTA.ORG](http://WWW.SOSMALTA.ORG)

Ministry for Social Dialogue, Consumer Affairs  
and Civil Liberties  
[WWW.MSDC.GOV.MT](http://WWW.MSDC.GOV.MT)

Ministry for Home Affairs and National  
Security  
[WWW.MHAS.GOV.MT](http://WWW.MHAS.GOV.MT)

National Commission for the Promotion of  
Equality  
[WWW.EQUALITY.GOV.MT](http://WWW.EQUALITY.GOV.MT)

FRONTEX  
[WWW.FRONTEX.EUROPA.EU](http://WWW.FRONTEX.EUROPA.EU)

European Commission  
[WWW.EC.EUROPA.EU](http://WWW.EC.EUROPA.EU)

IOM  
[WWW.IOM.INT](http://WWW.IOM.INT)

ECRE  
[WWW.ECRE.ORG](http://WWW.ECRE.ORG)

# NOTES

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

## NOTES

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

[WWW.UNHCR.ORG.MT](http://WWW.UNHCR.ORG.MT)  
[WWW.EUROPARLMT.EU](http://WWW.EUROPARLMT.EU)



European Parliament  
Liaison Office  
in Malta



**UNHCR**  
The UN Refugee Agency

