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EUROPEAN REFUGEE FUND

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MEMBER STATE – REPUBLIC OF MALTA

This document represents Malta's Multi Annual Programme for 2008-2013 for the European Refugee Fund, under the 'Solidarity and Management of Migration Flows' framework programme, intended for implementation between the programming period commencing 1st January 2008.

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1. SITUATION IN THE MEMBER STATE

1.1 The national situation and the migratory flows affecting it

Introduction

Malta, being in the crossroads of the main migratory routes from the African to the European mainland, has been experiencing an increase in the influxes of migrants originating from Africa, mostly in irregular manners through the maritime borders. The increase in requests for asylum has increased in parallel, as the greatest majority eventually apply for refugee status or other form of protection. Though the destination of these immigrants is usually mainland Europe, once they are rescued or land in Malta, they fall under the jurisdiction of the Maltese Authorities.

These migrants pursue a dangerous trip, using flimsy overcrowded boats and paying their life's savings to criminals in the attempt to enter a European country irregularly. The number of Third Country Nationals (TCN's) arriving in Malta in this manner per year is shown in table below.

Year	Number of arrivals
2002	1686
2003	502
2004	1388
2005	1822
2006	1780
2007	1702

Although in absolute terms these numbers may not seem impressive, they take a different meaning when put within the context of Malta's size and population. It is a fact that on average annual arrivals practically amounts to 45% of Malta's average annual birth rate which is indicative of the extent of the problem being faced by the Maltese authorities. Indeed, on the bases of population statistics, it has been estimated that one migrant arriving in Malta is equivalent to 140 arriving in Italy, 150 in the UK, 205 in Germany and 150 in France, to give just a few examples. On the basis of country size the figures would be much higher since for every single arrival in Malta, Italy would receive 953, the UK 767 and Germany 1129.

Due to its strategic position, exposed coastline and size, Malta is more vulnerable than any other European country to migratory flows in the Mediterranean. In a small country at the southernmost border of the EU, with no more than 316 square kilometers of landmass and a high population density of 1,200 people per square kilometer - without the hinterland which most other EU countries enjoy - the impact of thousands of immigrants, amongst whom many asylum-seekers, on the community, both sociologically and economically, is far greater than in any other independent state in Europe, or elsewhere.

Malta recognizes its international and moral responsibilities to provide asylum or humanitarian status to those who genuinely need it. It has been just and humane in its responses. Indeed, a very high proportion of those arriving in Malta irregularly are seeking asylum and lodge an application during their stay on the Maltese Islands.

It should be noted that the rate of applications for protection lodged in Malta is a constant high. The recognition rate has and continues to fluctuate according to the country/region of origin of the applicants for protection. In 2007, a total of 957 applications were decided upon, out of which 65.58% have been granted refugee status or subsidiary protection. Indeed, it has been noted that in the last years, the recognition rate has taken an upward trend, as more and more asylum-seekers are coming from the troubled countries of Sub-Saharan Africa, in particular from the Somalia, Eritrea and Sudan. The figures for the year 2007 have meant an increase of 19.25% of granted protection over the preceding year. This upward trend is envisaged to continue as is already indicated in the figures collected for the current year (January - May 2008), whereby from the 639 arrivals, 500 individuals originate from Somalia, thus with a very high probability of being granted some form of protection.

However, these unplanned for contingencies inevitably place strains on Malta's financial and human resources. It suffices to say that the cumulative amount of current workload of applications for protection has reached 6279 (from 1st January 2002 to 31st August 2007), including those waiting for the commencement of the procedures. The resultant social, economic, demographic, and cultural and security impact on Malta – today and on future generations of Maltese – raises inescapable concerns, which must be addressed responsibly.

Upon arrival, these TCN's, the great majority of who lodge a claim for protection/asylum, are transferred to the Closed Accommodation Centres, where they remain until their application for asylum is processed or their maximum term of detention expires. In the meantime, they are provided with accommodation, food and medical care. On the operational level, due to the magnitude of the logistics needed, the provision of food has been handed to a private contractor. Medical care has similarly been outsourced and presently a private contractor provides the services of a doctor and a nurse.

Once a positive decision about the status of these TCN's has been taken, the individual is released from the Closed Accommodation Centre. Asylum seekers are detained in the closed accommodation centre for a maximum of 12 months. Should the asylum application still be pending at this point, the individual is automatically released and will await the final decision whilst living in an open centre or in the community. If an asylum application is rejected within these 12 months, the person can be kept in the Detention Centre for up to 18 months. Vulnerable persons are exempted from the detention requirement.

After being released from the Closed Accommodation Centre, (either due to the elapsing of time-frame or the granting of refugee status or other form of protection) these persons are placed in Open Accommodation Centres. Different types of Open Centres, with differing capacity exist; some run by the State, others by the Church Authorities or other organisations on behalf of the government, some are permanent and others of a more temporary nature. Notwithstanding the present physical constraints and the continuous inflow, persons are as much as possible channelled in different open centres according to their age and status. For instance, separate centres are set up to cater for the need of single men, families with children, single mothers, un-accompanied minors and so on.

While there is no specific policy objective to accommodate failed asylum-seekers in open centres, in the absence of alternative solutions and despite Malta's particular situation and the challenges it faces, basic accommodation facilities are also provided for these rejected-asylum-seekers/ illegal's. Within the remit of the possible and the practical, and in view of the continued inflow and turnover from the closed to the open accommodation centres, there is an ongoing process to separate as much as possible the failed asylum-seekers/illegal's from those still awaiting a decision and those who have already received protection. The ultimate goal is that those who are not in need of protection are repatriated as soon as possible in order for the Maltese Authorities to be in a better position to offer the best protection for those who genuinely need it.

The claim for international protection is assessed and decided upon by the Commissioner of Refugees. The latter decides if an individual has the right to Refugee Status or other form of protection, based on the implementation of the Geneva Convention relating to the status of Refugees of 1951 and the New York Protocol (1976) supplementing it, as well as other international and EU legislation. Rights given to Refugees and beneficiaries of subsidiary protection are specified in the Refugees Act of 1st October 2001. Refugees are entitled to remain in Malta and have access to free state medical and education services, as well as family reunification and a Convention Travel Document. They also enjoy the possibility of entering the labour market and being gainfully employed. Beneficiaries of humanitarian protection are entitled to remain in Malta and enjoy allowances, such as medical care and employment.

Presently, asylum seekers are normally interviewed in the Detention Centres and/ or in the offices of the Commissioner of Refugees. The representative of the Commissioner of Refugees, that is, a case-worker, usually assisted by a translator, interviews the person applying for asylum. The applicant may be assisted by a legal representative and/or a representative of the UNHCR. In the absence of a qualified lawyer, the applicant may request the presence of a representative from a recognized Non-Governmental Organisation. The interviews are audio recorded for the purpose of counter-checking the transcript of the interview. Confidentiality and respect for culture of the person being interviewed are concepts that go without saying. The availability of sufficient human resources for handling the amount of applications and cases has always posed a challenge due to the financial burden. Nevertheless, the number of case workers has increased, though the ratio of applicants - caseworker remains quite high. The post of Assistant Refugee Commissioner had been created to assist the Commissioner in his work, while

case officers, being case workers with considerable experience, offer guidance and assistance to the newer case-workers.

In situations when the asylum seekers application for refugee status is rejected they may appeal to the independent Refugee Appeals Board within 14 days from the date when they were notified with the letter informing them of the Refugee Commissioner's decision. A letter is sent to the Chairman of the Refugee Appeals Board stating their reasons why their appeal should be accepted and why they should be granted refugee status in Malta. In cases where legal aid is requested, the government offers at no cost the services of a lawyer who will prepare detailed submissions about the case and present them to the Board. When the Board, consisting of a chairperson and two other members, examines the case they may decide to call the asylum seeker for a hearing, if they deem one is required, however such hearing is not obligatory. In most cases the Board relies simply on the evidence contained in the file which includes:

- The preliminary questionnaire;
- The application;
- The written record of the interview with the Office of the Refugee Commissioner;
- Any documents or other evidence presented to the Refugee Commissioner;
- The report of the medical board, if any;
- Any evidence or written submissions presented by the asylum seeker or their lawyer whether to the Refugee Commissioner or at appeals stage.

Once the Board has collected all the evidence deemed necessary, it will proceed with its determination of the asylum seekers case. The final decision is sent to him / her in writing, stating the reasons for the acceptance or rejection of their appeal. At this stage the case is considered closed. An appeal from a decision of the Refugee Appeals Board is not possible.

As for the length of time taken to process an asylum application, this differs from case to case, depending on a number of factors. During this period of time and after being granted refugee status or other form of protection, the individuals' social needs are taken care of. Acknowledging the need of a structured organization responsible for the welfare and integration of asylum seekers and refugees, OIWAS, the Organisation for the Integration and Welfare of Asylum Seekers, was set up within the Ministry for the Family and Social Solidarity (MFSS)¹. OIWAS provides free accommodation in Open Accommodation Centers after release from the Closed Accommodation Centers; handles the administration of a registration system and regulates daily allowance entitlements. In fact, an allowance for food and transportation is given to unemployed persons. OIWAS provides also social welfare services in open centers, including facilitating the access to schooling, health services, labour market and to renting of accommodation independently. Furthermore, it assists other government authorities in identifying

¹ Following the general elections held in Malta in March 2008 and a reshuffling of Ministries' portfolios, the OIWAS now falls under the Ministry for Justice and Home Affairs.

vulnerable asylum seekers, verifying their claim and recommending their release, when the case is deemed genuine.

1.2. The measures undertaken by the Member State so far

In response to the continuously increasing amounts of claims for asylum, and in fulfilling international and Community obligations in the field, the Government of Malta has undertaken various actions in past years.

As regards the *implementation of Community instruments* indicated under Priority 1 of the strategic objectives, Malta is at an advanced stage. Council Regulation (CE) 343/2003 of 18 February 2003 (the Dublin Regulation), Council Regulation (CE) 2725/2000 of 11 December 2000 (the EURODAC Regulation) and Council Regulation (CE) 407/2002 apply directly and are being implemented in practice. Furthermore, Malta has transposed or is in the process of transposing the indicated Council Directives. The Temporary Protection Directive (2001/55/EC) has been transposed by Legal Notice 131 of 2005, the Reception Conditions Directive (2003/9/EC) has been transposed by Legal Notice 320/2005 whereas Council Directive 2003/86/CE on the right to family reunification has been transposed by Legal Notice 150/2007.

With particular reference to the Reception Conditions Directive (2003/9/EC) it should be noted that Article 18 is implemented by virtue of Article 12 of the Refugees Act (Cap.420). Indeed, minors are not detained. All other asylum-seekers are detained in consonance with Article 7(3) of the same Directive.

The provisions of the Qualifications Directive (2004/83/CE) and the Procedures Directive (2005/85/EC) are being transposed through amendments to the Refugees Act (Cap.420 of the Laws of Malta) and subsidiary legislation being made there under. With particular reference to Article 7 of the Procedures Directive (2005/85/EC), this is being transposed in the subsidiary legislation, although in practice applicants are already allowed to remain in Malta pending the examination of their application. Article 13 of the same Directive and the requirement of an interview already features in the current Refugees Act but will be dealt with in more detail in the amended Refugees Act and subsidiary legislation made there under (Cap. 420). The provisions of Articles 14 and 19 are also being transposed in the subsidiary legislation mentioned above.

The main challenge and immediate priority has, naturally, been that of providing *accommodation*. As indicated, and in view of the detention policy that is applied by Malta in relation to those who enter the islands illegally, Closed Accommodation Centers offer accommodation for those who apply for international protection. Existing Closed Centers are continuously maintained. In response to the continuous influx of persons constantly requires the increase in accommodation facilities and as a result other structures have been converted in the last years to serve as Closed Accommodation Centers.

A Government's 2005 policy document *Irregular Immigrants, Refugees and Integration* extensively addressed **integration** in its second part. One of the four policy objectives set out by Government was the "social inclusion of asylum seekers," spoken of mostly as welfare and often in the context of open centers. Significant focus was also placed on the particular needs of vulnerable persons. Specifically, Government has taken a pragmatic approach focusing on outcomes in terms of education and training, financial support, accommodation, and employment. It is understood that the elimination of inequalities and the acquisition of competences are at the heart of a successful integration policy. Under this framework, thousands of persons were empowered to access basic services and tools to enable their participation in society. In view of the magnitude of the task of integration, Government also set up an organisation (OIWAS – vide last para. 3.1) whose remit is specifically to contribute to the policy and practice of integration. One should also acknowledge several integration-related initiatives and projects which over the past few years sprung from civil society.

It is worth noting that Malta's integration policy has to grapple with the fact that most of the asylum-seekers, beneficiaries of subsidiary protection and refugees of African descent have no intention of permanently integrating in Malta. Nevertheless, the reality is that the numbers living and working in the community are growing. The figure may reach 4,500 persons by the end of 2008. By 2012 – unless there is some extraordinary breakthrough on EU burden-sharing – it could be as high as 8,000 at present rates. In view of such a scenario, it is understandable that another area where the Government continuously has to act is that of providing accommodation in form of Open Accommodation Centers.

Government, directly or through contractual arrangements with third parties, runs eight open centers (currently housing around 2300 persons, and projected to rise to around 3000 by the end of 2008). These differ considerably in size depending on the main population groups. The two largest centers, namely Hal Far Tent Village and Marsa Open centre, house almost exclusively single males. Indeed, the opening of the latter centre was assisted by the Annual Programme of ERF 2005. In view of the urgent need of more accommodation in open centers, this project has converted and refurbished to international standards a former trade school in Marsa into an open centre. Furthermore, and in view of more accommodation facilities, capacity at the Hal Far Tent Village has had to be increased by the erection of more tents. The integration programmes in these centres are mainly focused on employment. Other centers, such as Dar is-Sliem, Dar il-Liedna and Dar il-Qawsalla, offer more intensive programmes for vulnerable asylum seekers, beneficiaries of subsidiary protection and refugees.. Although even here a lot of emphasis is put on employment, unaccompanied minors and children are oriented to education. Each family unit or unaccompanied minor is closely followed through a care plan which is individually designed and monitored. Furthermore, and in view of the fact that available accommodation never suffices, new premises are continuously and actively sought, yet this proves to be a challenge in such a small country with the highest population density in Europe.

With the aim of better managing the ever increasing population in the open centers a **registration scheme** is run, whereby each individual has to register regularly. A financial allowance is granted to those who are not in a position to provide for themselves or their dependents. Recipients of these allowances who are caught abusing the system are immediately struck-off the registration scheme and are obliged to refund the Government the money that they fraudulently received.

For the benefit of **vulnerable asylum seekers**, a Vulnerable Adults Assessment Team has been set up. This team is entrusted with receiving referrals, performing assessments and recommending, or otherwise, the early release of vulnerable asylum seekers, whose vulnerable status is not clearly identified in the first assessments on arrival (like families with children and unaccompanied minors). Assessment and verification of those being considered vulnerable is based on in-depth interviews, observations and consulting with mainly medical professionals.

Despite the limited resources, OIWAS have also assigned a residential social worker for each open centre, in order to ensure the day-to-day **assistance to the asylum-seekers**, refugees and beneficiaries of subsidiary protection on matters of welfare and integration. The Government is also committed to informing these TCN's of their rights and duties. To this end, an Information Pack, which includes information on the asylum application, has been drawn up in English and it is being translated into French and Arabic.

It should be noted that, due to the challenge it is facing with illegal immigration of would- be asylum-seekers, and in view of its limited resources, Malta continuously insists on the need to **share the responsibility** of providing support and protection to refugees and beneficiaries of subsidiary protection with other EU MS and other third countries. To this end it has in the past years incessantly strived to come to agreements with such countries willing to receive some refugees and persons enjoying subsidiary protection and settle them in their country. The Netherlands was one of the first countries that agreed to cooperate in providing **intra-Community transfer** opportunities. Following discussions, preparation and selection process under the auspices of the UNHCR, 36 refugees were transferred from Malta to Netherlands in November 2005. Another 20 refugees were received by Germany on 6th June 2006. Similarly, in March 2006, the Irish Government agreed to share the burden of the refugee crisis by accepting 10 refugees. UNHCR (Rome), the Emigrant Commission and IOM assisted in the preparation and the transfer of these refugees. Lithuania also gave a helping hand by installing in its territory 6 persons who had asylum applications pending in Malta (November 2006). Portugal was the latest country to answer to Malta's quest for assistance in alleviating the burden. A Responsibility-sharing agreement reached between Portugal and Malta with the cooperation of UNHCR, paved the way to the transfer of 12 persons in December 2007, composed of family units to Portugal. IOM provided assistance in relation to the transportation arrangements. Furthermore, the USA, under the auspices of UNHCR is carrying out a reinstallation programme for migrants residing in Malta, which so far has resulted in the reinstallation of 23 persons, including one infant to the US (January 2007).

It is important to note that the role of *Non Governmental Organisations (NGO's) and international organisations* is substantial in this policy area. Though the responsibility for the Closed Accommodation Centers remains that of the Detention Service, as an entity under the Ministry for Justice and Home Affairs, NGO's and international organisations offer their services in form of legal assistance and counseling, amongst others. In the management of open accommodation centers and in the integration of asylum-seekers, refugees and those granted subsidiary protection, these organizations are even more active. International Organisations and NGO's which operate as well on the international level, bring with them experiences and lessons learnt from operating in other countries. This exchange of best practices is very beneficial for the development of Malta's knowledge in the managing of the asylum policy and the authorities envisage a continued collaboration with these organisations.

Ongoing *training* is provided to staff engaged in the asylum/immigration management and control areas. An EU twinning Light project with Greece, aimed at enhancing the asylum system in Malta, has been initiated in June 2005. A TAIEX funded programme concerning asylum procedures has been organized to train personnel of the Refugee Commission and the Refugee Appeals Board. Furthermore, a joint project with the Dutch Government under ARGO programme has provided training, capacity building and exchange of best practices in relation to the Minimum Standards Directive. Furthermore, UNHCR regularly offers capacity-building to all entities including the Office of the Refugee Commissioner and the Refugees Appeals Board, as well as to new Detention Service personnel. In addition to this the Jesuit Refugee Service (Malta) and the Red Cross Association are currently implementing a project co-funded by ERF 2007 annual programme, which shall provide legal and psycho-social training to all organization involved in matters related to asylum-seekers and refugees.

1.3. The total national resources allocated

The reception, assistance to and integration of asylum-seekers, refugees and persons benefiting from subsidiary protection, as well as the determination of applications for protection are reaching costs disproportionate to the financial capacity of the densely-populated island of Malta.

Direct costs are incurred mainly by the Armed Forces of Malta; the Detention Service, the Malta Police Force, the Organization for the Integration and Welfare of Asylum-Seekers, the Third-Country Nationals Unit and the Office of the Refugee Commissioner, under the Ministry for Justice & Home Affairs².

The Armed Forces of Malta supplies the equipment and materials for the general upkeep, maintenance and the overall running of the closed accommodation centers found on its compounds. It should be noted that almost the total percentage of the population in such

² Following the election of a new legislature, the Organisation for the Integration and Welfare of Asylum-Seekers no longer falls under the Ministry for the Family and Social Solidarity, but is now under the remit of the Ministry for Justice and Home Affairs.

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centers is made up of asylum-seekers awaiting the determination of their claim. As indicated in Table 1 below, such recurrent expenditure has exceeded the €5M mark in 2006 and has been on the increase ever since in view of the continuous inflow of immigrants.

Table 1:

YEAR	EXPENDITURE LM	EXPENDITURE IN EUROS
2003	1,142,916	2 662 277.67
2004	1,020,957	2 378 189.66
2005	1,536,716	3 579 584.75
2006	2,259,426	5 263 045.91

Table 2 above indicates the expenditure incurred by the Malta Police Force for the management of certain closed centers. Apart from this numerical indications of the financial resources allocated to the provision of the accommodation and services, it should be noted that these sums are not inclusive of expenses related to salaries paid to officials performing duties related to persons accommodated in closed centers. Personnel of the Malta Police Force have and continue to be replaced by personnel of the Detention Service, who are taking over the management of the closed centers. The cost for the salaries of the personnel of the Detention Service has exceeded €1.4M in 2007 alone.

Table 2.

Year	EXPENDITURE LM	EXPENDITURE IN EUROS
2003	407,934	950 230.44
2004	109,790	255 741.86
2005	340,754	793 743.16
2006	389,260	906 731.73

The provision of medical care both in-house and in public health clinics and hospitals, constitutes another major share of national resources allocated to asylum-seekers, beneficiaries of subsidiary protection and refugees. Lm34,970 (81.458,17 Euros) constitute the average expenditure for the provision of in-house medical care alone. Furthermore, the expenditure for the management of the open accommodation centres, by O.I.W.A.S and the organizations that administer certain homes on their behalf, has exceeded €1.7M in 2007.

The expenditure related to the provision of such basic necessities as meals alone, covering the closed centers for the year 2007, has exceeded €2M. Another average of Lm80,000 (186,349.84Euros) are spent each year on refurbishment of accommodation centers, in order to be able to provide adequate accommodation with the limited resources available. In addition to this, to date Lm38,000 (88.516,17Euros) has been invested on purchase of vehicles for the transportation of asylum-seekers, refugees and beneficiaries of subsidiary protection.

The Office of the Refugee Commissioner is dedicating a thirteen-strong team, amongst case officers, case workers and clerks, who are led by the Refugee Commissioner. An Assistant Refugee Commissioner and 2 other case workers will soon be joining the Refugee Commission to enhance the capacity in dealing with the ever increasing amount of applications. Managing the caseload has meant an expenditure of 130,638Euros in 2006. Consequently it was deemed necessary to increase the budget of the Office of the Refugee Commissioner for 2007 to 139,763Euros.

Furthermore these amounts exclude the resources, financial and human, which are dedicted by NGO's in their active role in providing services and assistance to asylum-seekers, refugees and beneficiaries of subsidiary protection.

2. ANALYSIS OF REQUIREMENTS IN THE MEMBER STATE

2.1. The requirements in the Member State in relation to the baseline situation

The very significant incoming mixed flows of migrants, including a high number of persons who apply for some sort of protection are placing a huge strain on the reception capacities of the country and they are also straining the capacity of the local asylum system. Authorities and organisation who are in one way or another involved in the reception, accommodation, integration, asylum claim analysis and determination are facing major challenges in trying to cope with the situation. The requirements that will be discussed hereunder have to be viewed within the context of the small size and high population density of the island, as well as the ratio of asylum- seekers in proportion to the local population, as these factors help draw up a more realistic picture. Fulfilling these requirements would ease the strain on Malta's financial and human resources. However, responsibility sharing by other Member States of the challenge being faced by Malta is the real way-forward, since the capacity of absorption of Malta is a reality that cannot be altered.

Accomodation

(a) Closed Accomodation Centres

Malta stands by its policy of detention for those entering the island illegally. The right to lodge a claim for protection is nevertheless granted once the immigrants are in Malta and such claim is analyzed while they reside in Closed Accommodation Centres.

By mid-September 2007, there where 1783 persons residing in the Lyster Tent compound, Lyster Hermes Block, Safi Detention Centre and Ta' Kandja Detention Facility. These facilities offer separate access for males and females. Objectively, and in view of the capacity, these compounds and facilities tend to be overcrowded and this could lead to difficulties accessing basic services being offered. This situation is envisaged to remain as such or worsen, in view of the continuous influx within such short time-intervals as has been experienced in the last years.

The residents of these Closed Centres are provided with shelter, food, medical support and medical care. The daily provision of these essential services to the ever increasing number is a financial burden that despite its resources limitations are being carried by Malta alone. It goes without saying, that the provision of food is a continuous requirement that is placing a massive burden on the finances of the Government. In fact, the bill of the provision of food has reached Lm 1 million (2,329,373 Euros) in 2006 alone. As for medical care, at present this is available on weekdays, during the morning hours. When required, residents are given further treatment in local hospitals. Subject to budgetary allocation, the extension of the provision of in-house medical care to a round the clock service would be contemplated. This would require less mobility and reduce the strain on both patients and the administration.

Apart from the financial and logistical requirement for the provision of food and medical care to the asylum-seekers of the Closed Accommodation Centres, the maintenance and upkeep of the structures themselves similarly takes up substantial amounts of financial resources. This requirement is ongoing, both for providing new structures for accommodation and for guaranteeing a continuous adequate standard of accommodation in the existing structures. Indeed, maintenance work is done on a rotational basis between the existing structures, while works of an urgent nature are taken care of immediately. Indeed the number of influx of asylum-seekers also places strain on the logistics of carrying out these works, as the numbers simply don't make it possible to have a centre left vacant in order to carry out the necessary maintenance works.

The management of the Closed Accommodation Centers has been passed in the hands of the newly set-up Detention Service, under the Ministry for Justice & Home Affairs. It is acknowledged that the training of and support to such personnel directly involved in manning of these centers is constantly required and needs to be sustained, in order to increase their cultural understanding of the people they are taking care of.

In relation to the provision of services to asylum-seekers during the period pending their application and eventually, when / if they are granted refugee or subsidiary protection, Malta is facing immense and continuous challenges, both on the operational and financial levels. Despite the efforts undertaken by the Government of Malta in enhancing the accommodation and services offered to asylum seekers, the continuous flow of arrivals of illegal immigrants raising a claim for asylum has been putting a great strain on the accommodation capacity. The difficulty in offering sufficient accommodation facilities on arrival, that is, in the form of Closed Accommodation Centers, is a constant, which needs to be tackled with urgency to deal with the constantly high number of TCN's illegally arriving on the islands.

(b) Open Accommodation Centers

Apart from overcrowding at the Closed Accommodation Centers, Open Accommodation facilities are operating beyond their full capacity, posing great difficulties when it comes to identifying accommodation for those released from the closed centers. Similar difficulties as the closed centers are being faced in relation to continuous maintenance and upkeep. The sheer numbers of inhabitants of these centers make it all the more

difficult to continuously provide adequate facilities in the limited space and with the outstretched financial resources available.

In particular, a shortage is experienced in relation to the accommodation of family units and suitable placements in the community for vulnerable persons, more specifically those with severe mental and/or physical disabilities. The identification of vulnerable persons is another area of concern. While the identification of unaccompanied minors and family units with children is generally straightforward, the identification of other vulnerable asylum seekers presents the authorities with a substantial challenge. Although international legislation offers guidelines, a better structured system needs to be set up, specifically tasked with identifying and assisting to the needs of this group and to make sure that decisions are taken within the shortest time-frame possible. The organizational structure set up within OIWAS (Vulnerable Adults Assessment Team) needs to be strengthened and further trained in their field of work. The limited human resources currently dealing with the workload are further hampered by the language barrier in relation to the asylum-seeker. As a result, the asylum seeker may not understand what information is requested of him, or why another person is being treated differently. All this naturally impacts upon the swift conclusion of procedures and the time taken to react to the special needs of the asylum seeker himself.

Welfare and Integration

Difficulties in communicating with the asylum seekers cannot be stressed enough. The repercussions of the language barrier can be felt both in the Closed and Open Accommodation Centers. Addressing this problem shall enhance the overall capacity of integration of asylum-seekers and refugees. To this end, language training (English or Maltese) is featuring high on the objectives of the Government of Malta for the coming years. Bridging the gap on the level of communication eases tension in relations, both in the closed and open-centers and empowers the asylum seeker with an important tool to become self-sufficient and more willing and able to integrate in the host country.

As indicated above, the Ministry for Family and Social Solidarity, through OIWAS, takes care of the needs of asylum-seekers as regards to access to schooling, health services, employment and independent accommodation. In providing such welfare services and possibilities for integration in the host society, however, this agency is facing difficulties which limit the success of its attempts. For instance, the lack of knowledge on the part of asylum-seekers/ refugees and local students on each others' cultural background may work against integration. This problem is more pronounced with children and youths of the secondary and post – secondary education age. These difficulties mirror the limited nature of cultural information on asylum seekers by the host society in general and vice versa. Another challenge faced by OIWAS in the provision of medical services in health centers and hospitals is that of transportation for those in need of such care.

In order to encourage self-sufficiency amongst those being granted refugee status, employment and independent accommodation are encouraged. Vocational and language training is continuously required to facilitate access to the labour market. Yet the lack of

child-minding facilities for women with children is proving to be a stumbling block for this vulnerable group. As for the renting of private accommodation, the market prices tend to be way beyond the financial means of persons granted protection. Such difficulties are restraining the progress of such initiatives and action is required to tackle them.

Those residing in Open Centers have to register with the Authorities in their accommodation unit. This system is in place to ensure that residents are not claiming residence in two centers and to prevent those who are working from abusing the system by receiving the financial allowance allocated to those who are unemployed or otherwise unable to sustain themselves. Unfortunately, this system is not automated and at present there is no coordination between the different open accommodation units. Its very own nature and the difficulties that come with it (being manually operated) together with the sheer numbers of people that have to be handled, make the system extremely difficult to manage and prone to abuse. The need for a system which better coordinates information and registration in the different accommodation units is strongly felt and this would ensure that the limited resources are used wisely and to the benefit of those in real need.

Despite efforts already undertaken, the provision of social welfare services, in the form of social workers to assist the asylum seekers in accessing welfare services, needs to be further beefed up in particular in the larger open accommodation centers, where the ratio of social workers to the asylum seekers can be improved upon. Fully realizing that these persons have such special needs, in view of their claim for international protection and the traumas they have undergone to arrive on the island in the first place, the improved provision of social services would be greatly beneficial. Indeed, apart from the already mentioned requirements relating to accommodation, language and vocational training and a computerized registration system, social assistance within the open centers and for those living in the community would improve the capacity of asylum-seekers, refugees and beneficiaries of subsidiary protection to integrate in the host society and understand its administrative mechanisms.

Overall, and apart from the difficulties faced in integrating asylum seekers, refugees and beneficiaries of subsidiary protection through the provision of material capacity, the Authorities and NGO's dealing with these people on a daily basis, realize the need for cultural orientation sessions arming the asylum-seekers and refugees with better knowledge and practical training on the values and way of life of the host country. Importance should be placed on acknowledging and appreciating the fact that these people come from a different cultural background and that they have grown in a different societal structure. Basic concepts, which on the European continent are accepted as the norm in social interaction and in the operation of public services, are not known to most of these immigrants. This is being noticed especially in persons originating from Somalia, who constitute quite a substantial proportion of asylum-seekers and beneficiaries of protection in Malta. Apart from this, vulnerable groups, like woman and those with no or limited educational background, are finding particular difficulties in understanding and following basic social norms, as for instance the concept of queuing; filling in a form; the existence and need to follow legal procedures and the fact that these differ from country

to country. Intensive basic and practical training in this respect, especially directed at vulnerable groups mostly in need, is continuously required in order to make informal integration initiatives more successful. Personal development of the target group in the knowledge of and respect for European norms is beneficial on a personal level to the persons in question, since an increased capacity for understanding and adapting to the host society's and population's way of life and public structures would ease the process of their informal integration and facilitate the potential for family reunification. As an added value, the increased integration capacity of the asylum seekers, refugees and beneficiaries of subsidiary protection would improve the effectiveness of the work of case workers and social workers and hasten the procedures of asylum in general.

Indeed the above can be further developed by ensuring that the asylum-seekers themselves are well-informed about their rights and obligations in terms of the Refugees Act and other related legislation, as well as the procedure that would be followed to determine their asylum application. Additionally, the provision of legal services to asylum-seekers remains a constant need, which has been supported under various programmes in the past by the ERFII. In both fields of provision of information and legal services to asylum-seekers, NGO's and international organizations have already done substantial work, yet this needs to be sustained in order to reach as wide a number of participants as possible, from both the closed and open centres (where vulnerable people reside from the beginning of their stay in Malta).

This notwithstanding, and as already indicated above, integration cannot succeed if it is not a two-way process. While the Authorities realize and fully endorse the preoccupations of the Maltese population in relation to the financial and human resources burden that the continuous increase in the population of asylum-seekers and beneficiaries of protection is placing on the country, they are contemplating to enhance the dissemination of information relating to the countries of origin and the political, religious and economic situation, as well as the cultural background and objective assessment of the nature and needs of those seeking asylum and protection. A better informed and sensitized local population could be a great assistance in the informal and formal integration of asylum-seekers and refugees.

The Office of the Refugee Commissioner

As indicated above, the majority of persons residing in the Closed Centers apply for asylum. Since its setting up in 2002, the Office of the Refugee Commissioner has worked hand in hand with other entities in the country, including NGO's with a view to establishing the best possible procedures for the assessment and determination of status. At the same time, however, the workload on the Refugee Commissioner has increased substantially, parallel to the increase of arrivals of illegal immigrants. The need to beef up human resources, especially on the technical and administrative level is felt, as is the increase and improvement of interviewing facilities in all places where the interviewing procedure is conducted. The exponential increase in the workload has also highlighted difficulties relating to the efficient management of data and the conducting of interviews, amongst others. Specifically, an electronic database for all documentation relating to

applications is lacking, making it difficult to retrieve information when needed and to compile statistics for the evaluation of the work of the Office of the Refugee Commissioner itself, apart from of course increasing the manual administrative work. Such database, including all information relevant to migration and asylum, and amongst others, continuously updated information on the main origin countries, would also be able to monitor trends and shifts in migratory patterns, enhancing the ability to be proactive in policy development.

On the other hand, the major obstacles being faced by case workers responsible for the interviewing are represented by the language barrier and the lack of certain technological and material resources. In the absence of local human resources knowledgeable of the languages spoken by the asylum seekers, interpretation and translation duties are mostly carried out by refugees and other persons enjoying protection. Even though these persons are selected diligently on the basis of their trustworthiness, the situation may not be ideal, as it leaves much to be desired in relation to reliability and transparency. Video-conferencing and modern recording devices need to be introduced in order to improve the current working methods of the Refugee Commissioner.

Furthermore, provision of material resources for assistance in analysis of information and determination of country of origin is constantly required to help the interviewers carry out their work in a more knowledgeable, efficient and consistent manner. Training remains a constant need since those working with asylum seekers need to continuously be kept abreast with international and national legal developments. Sharing of expertise from countries boasting a vaster experience in the field should also be strengthened. Apart from benefiting the Maltese authorities, this would help instill a more European-wide approach to dealing with asylum-seekers and contribute to the development of a European Asylum Policy, as envisaged by The Hague Programme.

2.2. The operational objectives of the Member State designed to meet its requirements

In view of the baseline situation as regards the living standards of asylum seekers and refugees and the gaps and difficulties that are being encountered, the Government of Malta aims, to achieve the following operational objectives:

1. Enhancement of the **capacity to provide accommodation**, in the form of closed and open centres, and renovation and upkeep thereof, as well as accommodation in the community (i.e. more independent accommodation upon leaving the closed centres). The target is to increase the self-sufficiency of the target group in this respect and encourage fully independent accommodation.
2. Financial assistance for the **provision of daily essential needs**, such as food and medical care, will continuously be sought by the Government of Malta. Subject to an adequate budgetary allocation, the extension of the provision of in-house medical care to a round the clock service would be contemplated.
3. Providing for **improved assistance to Vulnerable Persons**, in terms of adequate accommodation facilities as well as strengthening of administrative and human resources capacity to identify and address the special needs of such persons.
4. Continuous **training of personnel** in all entities involved in the care of and assistance to asylum seekers, beneficiaries of subsidiary protection and refugees. This includes personnel of the Detention Service, managing the closed accommodation centres and dealing with the immigrants in the early months of their arrival on the islands, as well as personnel working at the Office of Commissioner of Refugees.
5. Addressing communication difficulties and providing **language training (English/ Maltese)** so as to encourage and enable enhanced communication with the host society.
6. **Facilitating informal integration** by improving education and information for the local population as well as providing cultural orientation for asylum-seekers, beneficiaries of subsidiary protection and refugees on the values, standards and social norms present in the host country.
7. **Computerisation of the registration system at open accommodation centres**, in order to better coordinate information and registration at the various units. This aims at improving the management of the centres, avoid abuse and ensure efficient use of limited resources.
8. **Improving integration potential**, also by strengthening human resources **capacity** to assist asylum-seekers, beneficiaries of subsidiary protection and refugees to access social welfare services in open accommodation centres.

9. **Supporting NGO's and IO's to continue to provide legal aid and information** on rights, obligations as well as the asylum determination process to asylum seekers, beneficiaries of subsidiary protection and refugees.
10. Improving access to **translation and interpretation** services, in order to address the language barrier, in particular during the asylum-determination process. The need to deploy professionals in these areas to assist the authorities dealing with migrants, including asylum-seekers, beneficiaries of subsidiary protection and refugees is highly felt.
11. Strengthening the **material, technical and human resources of the Office of the Refugee Commissioner**, which is responsible for the interviewing, evaluation and status determination of all applications for protection, and the Malta Police Force, which carries out preliminary interviews.
12. Setting up of **an electronic database for the management of information at the Office of the Refugee Commissioner**, in view of the workload, sensitivity of the information handled and need for the best allocation of the limited resources.
13. Working with other Member States on **responsibility sharing** initiatives in the area of asylum, in particular on matters related to resettlement of asylum seekers and those enjoying some form of protection.

For the implementation of these operational objectives, the government shall as in past years provide annual budgetary allocation. Specific financial instruments will be voted per year for the Armed Forces of Malta and the Third Country National's Unit, the Detention Service and the Organisation for Integration and Welfare of Asylum-Seekers (under the Ministry for Justice and Home Affairs). These identified budget votes however shall, as in the past years, not exhaustively cover all costs related to the provision of services to asylum-seekers, refugees and beneficiaries of subsidiary protection. A case in point are the costs that will inevitably be incurred for medical care for such persons in public hospitals and clinics which remains hidden under the national health care bill and cannot be specifically quantified and provided for separately.

Nevertheless, experience has shown that the voted budgetary estimates may not fully cover the actual expenditure recorded at end of the financial year. Additional, unforeseen expenses, arising out of the fluctuations in the migration flows and the peculiar situation, are incurred yearly, and in order to address this matter government has had to adjust, year after year its budgetary provisions accordingly. Consequently, and in view of a situation which is in continuous flux, the national budgetary allocation for the implementation of these operational objectives in the coming years cannot be quantified in advance. One trend however is a constant: that the national expenditure for receiving and bearing the consequences of receiving the ever-increasing number of asylum-seekers and providing for them and for those given some form of protection, increases year after year.

The strategic direction of the Government of Malta is to be able to fulfil its international and European obligations in relation to asylum seekers, without this continuing to be an unsustainable burden on the financial and human resources of the country and the physical capacity to accommodate such numbers. The problems being faced arise from the geographic realities, over which Malta has no control. Yet, the burden being carried by Malta, which has become a gateway for the European continent, is by far disproportionate in relation to its resources. While Malta will continue to be strict in selecting only those whose claim for asylum is genuine, it calls upon its European partners and the Community to assist in providing to the material needs and legal rights of the continuously increasing numbers of asylum-seekers, refugees and beneficiaries of subsidiary protection.

3. STRATEGY TO ACHIEVE THE OBJECTIVES

Priority 1 – Implementation of the principles and measures set out in the Community acquis in the field of asylum, including those related to integration objectives

Introduction

The strategic drive being prioritized for the next 6 years is that of capacity building to be able to implement the Regulations and Directives covered under Priority 1 of the European Refugee Fund. The resources, on the logistical, human and financial level, need to be present to be able to abide fully, effectively and efficiently to the Community's instruments. Capacity building is needed at all levels: managing accommodation and provision of basic material needs; special assistance for vulnerable groups; social welfare and integration; preparedness and structural organisation for better long-term management of ever-increasing population of asylum seekers and protected persons. Thus, the strategy under this Priority attempts to address the areas indicated in operational objectives 1, 2, 3, 5, 6, 7, 8, and 9.

The objectives of the strategy and examples of key actions

In line with the Reception Conditions Directive (2003/9/EC of 2003), the Government of Malta aims at having the necessary resources to be able to offer and maintain an adequate standard of accommodation to those with a justified claim for asylum. The strategy in this respect has to be a combination of actions that assist daily management, together with investment for the longer-term.

Key action 1: Increasing capacity and renovation of accommodation facilities

Another impending challenge is the need to accommodate the ever increasing number of asylum-seekers and protected persons in both closed and open accommodation centres. As indicated, overcrowding characterizes both types of accommodation, with repercussions on the health and privacy of the inhabitants, especially in the closed centres. The Government's strategy is to better accommodate the ever increasing number of asylum-seekers by increasing the number of centres (closed and open) and consequently increasing the accommodation capacity. This will be done by extension and improvement of present facilities. Reaching these targets will mean a reduction of the strain on present facilities and the capacity to provide their inhabitants and personnel working with them with safer, healthier and more adequate facilities to live and work in.

Description of targets concerned and the indicators used

Targets:

- Increased accommodation capacity;
- Continually improved facilities in the existing centres.

Indicators:

- Enhanced distribution of persons in accommodation facilities;
- Continued provision adequate living conditions.

Key action 2: Provision of material aid in the centres

One of the greatest challenges that the Government of Malta is facing is that of the provision of material aid on a daily basis. As already indicated in the previous section, basic items such as the provision of food are proving to be extremely expensive and are taking up a substantial proportion of the financial resources available leaving limited resources for other actions. Active assistance from the European Refugee Fund with a view to dealing with this essential expenditure will be sought. The target is to finance part of the costs for the provision of food and daily needs, including also medical care, from the ERF. A more contained bill for the provision of these essential basic needs will indicate a better capacity of the Authorities to provide better for other services.

Description of targets concerned and the indicators used

Targets:

- Continued provision of daily meals and basic material necessities

Addressing special nutritional requirements, arising out of medical conditions and/or national/religious/ cultural beliefs;

Indicators:

- An adequate standard of living and continued provision of essential daily needs;

Key Action 3: Continued provision of medical care

Government strategy remains that of providing basic medical care and more specialised treatment as the needs arise, to all asylum-seekers, beneficiaries of subsidiary protection and refugees. Basic medical care shall continue to be provided in the centres, as is the practice today. Indeed, the ultimate aim of the government is to reduce the dependency on the public clinics for the provision of basic medical care by increasing the in-house service to a daily, round-the clock service. Assistance from the European Refugee Fund shall be sought in order to alleviate some of the burden on the national finances for the provision of such assistance.

Description of targets concerned and indicators used

Targets:

- To continue to provide basic medical care and more specialised treatment to those in need;
- To strengthen the medical care provided in the centres, thus reducing pressures on public structures;
- To reduce need for transporting residents to and from accommodation centres and clinics by providing medical care on-site. .

Indicators:

- Efficient, daily medical services in the accommodation centres;
- Reduced financial and logistical burden for the utilisation of public structures.

Key action 4: Enhancement of assistance provided to vulnerable persons.

Over the mentioned programming period, and with the support of NGO's and international organisations, the Authorities will explore procedures to enhance the identification of vulnerable persons, i.e. victims of torture, traumas, sexual and gender-based violence and people with mental health problems. Furthermore, measures to address their needs in both closed and open centres will be strengthened. Such measures, which could include the recruitment of cultural mediators and mental health professionals, could be complemented by studies on the changing nature of the asylum-seekers' population. This would ensure that policies and practices reflect the needs of beneficiaries, including vulnerable persons.

Description of targets concerned and the indicators used

Targets:

- Enhanced measures to identify vulnerable asylum-seekers as early as possible
- Capacity building to be able to address the special needs of vulnerable asylum-seekers

Indicators:

- Vulnerable asylum-seekers attended to from their arrival, or as soon as identified;
- Vulnerable asylum-seekers have better access to the necessary assistance and services.

This Key action 4 will attempt to address the issues identified in specific priority 2, and "take(ing) into account the special needs of vulnerable people....".

Key Action 5: Computerisation of the registration system at open accommodation centres.

The objective of the computerisation of the registration system at the open accommodation centres is to better coordinate information and registration. It aims at improving the management of the centres, avoid abuse and ensure efficient use of the

limited resources available. Presently the procedure entails the registration of migrants three times a week by manual means. It is envisaged that the system will become computerised using biometric registration. Such a system would also make the registration process faster, thus the staff can dedicate themselves to their primary role of supporting the client groups' integration into the Maltese society. This new system would also provide a management information system that will be used to identify eligibility for future projects and opportunities, also to meet current and future obligations and sustain the current savings.

Description of targets concerned and the indicators used

Targets:

- To computerise the registration system at the open accommodation centres by utilising biometric registration

Indicators:

- A decrease in the cases of abuse of the system and a faster registration system, needing less man hours to operate;
- Better distribution of the limited financial resources to those who are in real need;
- Personnel of the open centres dedicate less time for registration and more for assisting residents on matters of welfare, integration etc.

The objectives of the strategy and examples of key actions

The strategy of the Government of Malta for the coming six years has a strong aspect of facilitating integration of target groups and easing the difficulties in the inter-relation between them and local society in general and more specifically with those handling their applications and/ or working close with them. The Organisation for the Integration and Welfare of the Asylum-Seekers is specifically tasked with the **integration** of these people (Asylum seekers, refugees and/or persons benefitting from subsidiary protection) within the Maltese society, for the benefit of both parties, on the cultural, civic, social and economic level. The Government's strategy to support the integration and interaction of asylum-seekers/ refugees/beneficiaries of subsidiary protection with the hosting society will aim at providing these persons with tools supporting their self-sufficiency and maximising their skills, including in terms of contribution to and enrichment of the host society.

Key action 6: Continued provision of educational services

The analysis of the situation and requirements outlined above, clearly indicate the need to include and to incorporate such measures in the Maltese strategy. Provision of regular language- training courses in Maltese and English are envisaged to be carried out in both closed and open centres. It is the strategy of the Government to continue the close collaboration with NGO's and IO's in order to provide these services. Furthermore,

vocational and educational training (for instance on IT) will continue to be provided in open centres for those whose stay is envisaged to be of a longer/ permanent nature. Actions in this direction will have manifold results for instance, in easing the tension in closed and open accommodation centres which arises out of misunderstandings due to language barriers; ease the difficulty of communication during the procedures for application and evaluation of claims for protection and enhance the possibility of entering the labour market.

Description of targets concerned and the indicators used

Targets:

- Strengthen the knowledge of Maltese/ English among the population of asylum-seekers/ beneficiaries of subsidiary protection and refugees;
- Improve levels of vocational and other educational training of asylum-seekers, refugees and beneficiaries of subsidiary protection;

Indicators:

- Population of asylum-seekers, refugees and beneficiaries of subsidiary protection armed with the tools to better integrate with the Maltese society through improved communication skills and better prospects for entering the labour market.

Key action 7: Provision of cultural orientation classes.

Cultural orientation classes will continue to be provided to asylum-seekers, beneficiaries of subsidiary protection and refugees in order to facilitate their integration and communication with the host society in general on a day-to day basis. They will be introduced to values and social norms that are essential for living and integrating in a European society.

Description of targets concerned and the indicators used

Targets:

- Cultural orientation classes and information reaching as many asylum-seekers, beneficiaries of subsidiary protection and refugees as possible;

Indicators:

- Population of asylum-seekers, beneficiaries of subsidiary protection and refugees more aware of and capable to integrate in the way of life of the host society.

Key action 8: Sensitization of local population on the situation of asylum-seekers/beneficiaries of subsidiary protection/refugees

Realising that integration is a two- way process, it is envisaged that, apart from a drive to increase the understanding and respect by the asylum-seekers/ refugees/ beneficiaries of protection of the values of the hosting society, sensitization activities need to address the

host society as well. Actions could include education curricula, information campaigns and/or other activities reaching out as much as possible to all strata and age-groups of the society. This aims at increasing the understanding of the situation of asylum-seekers and beneficiaries of protection and refugees, as well as to counteract racism and xenophobia arising out of lack of knowledge.

Description of targets concerned and the indicators used

Targets:

- Improving understanding of situation of asylum-seekers/ beneficiaries of subsidiary protection and refugees;
- Combating racism and xenophobia against these foreigners

Indicators:

- Host society more aware of situation of asylum-seekers/ beneficiaries of subsidiary protection and refugees;
- More inclusive integration of asylum-seekers and those protected in the local population.

Key action 9: Provision of information and legal aid

While providing for the above mentioned accommodation, material and welfare needs indicated above, the authorities continue to support the provision of legal aid, in order to ensure legal protection and advise to these persons. The safeguarding of the rights of the asylum-seekers, refugees and beneficiaries of subsidiary protection remains an objective of the government, and it will continue to collaborate with NGO's and International organisations which are active in this field. On their part the authorities will continue to provide at no cost legal assistance at appeals stage.

Description of targets concerned and the indicators used

Targets:

- Continuous provision of legal aid by NGO's and IO's;
- Continuous provision of free legal aid by the authorities at appeals stage.

Indicators:

- Asylum-seekers more aware and able to access their rights, also during the process of the determination of their claim for protection;

Conclusively, in view of the positive experience and value of the **assistance that NGO's** and international organisations have given to the authorities in the field of integration of and assistance to asylum-seekers and refugees, it would be beneficial to explore more structured means to better coordinate and share responsibilities between Government Authorities, the NGO's and other organisations. Such cooperation could result in a win-

win situation for both the authorities, who would make use of the expertise and drive of the NGO's and to the NGO's who are either short of funds, or find it difficult to participate through other channels.

Priority 2 – Development of reinforcement tools and evaluation methodologies to assess and improve the quality of procedures for the examination of claims for international protection and to underpin administrative structures in an effort to respond to the challenges brought forward by enhanced practical co-operation with other Member States

Introduction

In line with Priority 2 of the European Refugee Fund, and in view of the continuous increase in the workload, another objective standing high on Malta's priority, is that of strengthening the capacities of the Office of the Refugee Commissioner and the Appeals Board. This capacity-building is envisaged on the human resources level, especially with regards technical staff; infrastructural logistics for better spatial facilities; and the IT level, for enhancing organisation, retrieval and storage of information relevant to the work. Specifically, this strategy can be achieved by targeting such areas as interpreting and translating services and training of existing staff, together with secondment of more human power to handle the increased workload; the improvement of the premises and equipment where interviews are held; and the setting up of a central electronic database with various levels of authorised access to the stakeholders involved in the evaluation and determination of claims. Thus, the strategy under this Priority attempts to address the areas indicated in operational objectives 4,10,11,12.

The objectives of the strategy and examples of key actions

Key Action 1: The continuous training of personnel working at the Office of the Commissioner of Refugees, in the relative EU regulations and best practices in the field of evaluation of asylum applications.

Description of targets concerned and the indicators used

Targets: Strengthening the pool of suitably trained personnel to evaluate professionally applications for asylum, thus strengthening the underlying administrative structure.

Indicators: More efficient procedures for examination of claims for international protection.

Key Action 2: Improving availability of translation and interpretation services for the Office of the Refugee Commissioner.

The difficulties faced in communication with asylum-seekers due to the lack of available professional people knowledgeable of such asylum-seekers' languages, has been discussed in depth above. The effective management of this issue is identified as one of the major operational objectives that need to be tackled by this Fund. A structured system for the provision of interpreting / translation services needs to be set up. A pool of professionals, trained also on the cultural and social background and gender balanced in relation to the asylum-seekers' population is a necessity to reinforce the assessment methodologies and to improve the quality of the procedures for deciding upon applications. Apart from addressing the need for reliable translation/ interpreting services, as already noted in the requirements above, this would benefit the asylum-seekers and also facilitate the work of those working in close contact with them. It goes without saying that this strategy links with that of teaching of the host country's language to the asylum seekers and beneficiaries of protection, yet the latter process normally spans a longer time-period and in the first weeks/ months when application is still until process the problem of communication remains prominent and needs ad-hoc solutions.

In view of Malta's human resources limitations in this field, collaboration with other member states in this field will be sought. Member states with IT systems and/ or national pools of translators/ interpreters knowledgeable of Sub-Saharan languages, willing to share their resources, could be of great assistance to Malta in this field. In the long term, and in view of the permanent nature of northwards migration from the African continent, it is suggested that such language services or networks of such providers, be available on a European level and as part of the European Common Asylum Policy. Individual Member States would then have access to these resources and be eligible for financial assistance to utilise such resources. In the meantime, the Government's strategy will be that of strengthening the interpretation/translation services, preferably with the collaboration of other Member States. The improved access to these language services will reflect in a swifter and more efficient process of status determination.

Description of targets concerned and the indicators used

Targets

- Setting up of a pool of translators/ interpreters, preferably in collaboration with other MS;
- Better communication between the Office of the Commissioner of Refugees and asylum seekers.

Indicators: A swifter, more efficient procedure for the examination of requests for protection.

Key Action 3: Enhancing structural and material facilities of the Office of the Commissioner of Refugees.

For the Office of the Commissioner of Refugees to be carry out its work related to the asylum process in an efficient manner, substantial office facilities are required. It is indeed part of the Government's strategy to enhance the structural and logistical facilities needed to perform the job, such as interviewing rooms, both at the offices of the Commissioner of Refugees, and at the Accommodation Centres. As a result, the Office of the Refugee Commissioner will be better equipped to perform the required tasks

Description of targets concerned and the indicators used

Targets: Increase in resources for the Office of the Commissioner of Refugees.

Indicators: A better equipped, and thus more efficient, system of processing asylum applications under the Office of the Commissioner of Refugees.

Key Action 4: Setting up of a database for the electronic management of all documentation pertaining to the asylum process

In line with the national needs and strategic objectives of making information and documents pertaining to the field available in electronic format to those working with it, a database containing all applications for asylum, all relevant legal instruments and updated information on country's of origin is deemed necessary. Such a database represents an essential management tool to achieve consistency in decision-making and enhance the knowledge-and access to information of the personnel working on these issues on a daily basis. It would also assist in safeguarding the correct application of all provisions related to international human protection, including national, European and international provisions.

Description of targets concerned and the indicators used

Targets: Setting up of an electronic database for the Office of the Commissioner of Refugees

Indicators: - Enhanced consistency in decision making and procedures through easier access to the required information via the electronic database
- Overall better management of information

Key Action 4 under this priority attempts to address specific priority 2, as it intends to "develop tools aimed at enhancing national consistency in decision making on the application of the acquis.....".

Conclusion

Such capacity- building in the various fields would not only be beneficial in its own sake, but it would increase the efficiency and improve the quality of the work of the entities responsible for the evaluation and determination of status requests, with the result of swifter decisions on applications for refugee status or other types of protection.

Priority 3: Actions helping to enhance responsibility sharing between Member States and Third Countries

The objectives of the strategy and examples of key actions

Malta has continuously insisted on the need for effective responsibility and burden-sharing in the field of management of migration flows. The burden on the country's financial and human resources highly exceeds the capacity of the small island. While realising the need to abide by its international and European responsibilities, Malta insists that European partners should come to its assistance as its geographical position places it on the front of the flow of immigrants seeking asylum in Europe.

Effective responsibility sharing can be pursued in various policy areas. Intra-Community transfer to other EUMS, of persons awaiting determination of their claim or already enjoying refugee status or subsidiary protection, offer an opportunity for sharing the burden. The Maltese Authorities aim at making transfer of persons to other EUMS a central part of their strategy for better managing its load of asylum-seekers, refugees and beneficiaries of subsidiary protection. It is envisaged that such objective be pursued in different channels and with a wide spectrum of countries (EU Member States and Third Countries) as possible. The Authorities shall strive to arrive at arrangements with other countries which are capable and willing to receive and integrate an amount of refugees and persons enjoying other forms of protection in their respective societies. Such measures will alleviate some of the burden carried by Malta and be a practical example of burden-sharing between EUMS.

Fully appreciating refugees' right to family reunification, in line with the adoption of the Council Directive 2003/86/EC, it is being contemplated that such measures will be combined with resettlement/ Intra-Community transfer programmes, in close collaboration with other Member States. Granting this fundamental right to refugees and at the same time relocating them to a country which can absorb them better from an economic point of view, would be achieving two important objectives. Such an initiative of intra-Community transfer within the EU, based on family re-unification would be an effective tool for both fulfilling the rights of the individuals and the needs for burden sharing between the member states. Overall, such a component of the strategy for intra-community transfer would put in practice the principle of burden-sharing and would respond to the Community's quest to develop a European resettlement/ Intra-Community transfer programme.

Key Action 1: Seeking ways to implement responsibility sharing initiatives in the area of asylum, in particular on matters related to intra-Community transfer of asylum seekers and those enjoying some form of protection.

Description of targets concerned and the indicators used

Targets:

- Transfer of persons enjoying protection to another Member State and/or third country, per year, putting into practice the principle of burden-sharing which is especially important in the case of Malta.

Indicators:

- Increased number of persons transferred to other EUMS per year;
- Alleviation of the burden posed by the large number of asylum seekers, beneficiaries of subsidiary protection and refugees on Malta.

In view of the disproportionate burden being carried by Malta, it is intended that Key action 1 indicated under this Priority targets the implementation of specific priority 2, “aimed at transferring asylum-seekers or beneficiaries of international protection from Member States facing particular pressures on their asylum systems”.

4. COMPATIBILITY WITH OTHER INSTRUMENTS

The measures set out in this Programme complement Government’s strategy to ensure:

- i) Fair, just and humane treatment of asylum-seekers and protected persons;
- ii) Establishment of standard procedures and practices for dealing with asylum seekers; and, the
- iii) Inclusion of asylum seekers and integration of beneficiaries of protection;

Furthermore, the burden-sharing component of this strategy is in line with Malta’s policy, pursued at European level, to enhance and concretize the Community’s concept of burden sharing. Malta is of the view that this policy line is fully congruent with the Community’s plans to create a Common European Asylum System. It is believed that such a system can work only if the Member States start looking forward to more active and concrete cooperation amongst them in this area.

The Refugee Fund under the Solidarity & Management of Migration Flows framework programme will serve as a continuation of the work carried out with the financial assistance of the ERF I and II.

Furthermore, the strategy described in this Multi-annual Programme is also in line with other instruments that are currently being implemented in Malta. Actions under Priority 1, in particular those related to integration measures, complement the strategic direction taken in the ESF. The Operational Programme detailing the areas of intervention that will be targeted by Malta for co-financing under the European Social Fund is developed in consultation with all Ministries, including the MJHA. The measures indicated in the ESF programme are directed more specifically at the employability of the workforce, of which refugees are part. The ERF, on the other hand, focuses more on the specific needs of asylum-seekers, beneficiaries of protection and refugees and provides training that facilitates informal integration in all its levels, and is not exclusively focused on employability. The Responsible Authority of the ERF is in constant liaison with the Managing Authority of ESF, in order to ensure compatibility amongst the actions and projects carried out under the two instruments.

In addition, a grant has recently been awarded from the Commission to the Organisation for the Integration and Welfare of Asylum- Seekers. The project, entitled 'Coordination and provision of welfare services in closed centres – A pilot project', will be complemented by the actions that will be implemented with the assistance of the ERFIII.

No other instruments have been/are currently implemented related to the subject-matter of Priority 2 and 3.

5. FRAMEWORK FOR IMPLEMENTATION OF THE STRATEGY

5.1. The publication of the programme

The approved Multi-Annual Programme will be published on the website of the Ministry for Justice & Home Affairs (www.mjha.gov.mt). Potential beneficiaries will be also informed individually by email/post about this facility, which will help them to develop their actions for the annual programmes.

5.2. The approach chosen to implement the principle of partnership

The Principle of partnership has been put in practice as from the initial stages of the drafting of this document. National Authorities, international organisations and NGO's involved in the reception and assistance to asylum-seekers and refugees in Malta where involved.

Consultation meetings with these stakeholders were held in advance, during which the importance of the document and its structure was explained. A written input from each was requested, in order to have a complete understanding of the situation and expectations of all parties involved. All stakeholders were also invited to an individual consultation meeting to further develop their input. After being considered on a policy level, these comments were incorporated in the strategic document. The multi-annual programme was submitted again to the stakeholders for final consultation before submitting to the Commission. In this way the Responsible Authority has ensured that the

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partners that have interest in the field of the Fund, had their say in the development of the strategy for the next 6 years and the process to arrive to the final draft was as transparent as possible.

These stakeholders will continue to be involved in the implementation of this Multi-Annual Programme through the Annual Programmes

6. INDICATIVE FINANCING PLAN

Multi-Annual Programme : Draft Financial Plan							
Table 1 : Community Contributions							
Member State: Republic of Malta							
Fund : European Refugee Fund							
<i>(in'euros-current prices)</i>	2008	2009	2010	2011	2012	2013	Total
Priority 1	760,062.50	343,350.00	343,350.00	364,050.00	364,050.00	399,600.00	2,574,462.50
Priority 2		190,750.00	190,750.00	202,250.00	202,250.00	222,000.00	1,008,000.00
Priority 3		190,750.00	190,750.00	202,250.00	202,250.00	222,000.00	1,008,000.00
Technical Assistance ³	23,348.00	38,150.00	38,150.00	40,450.00	40,450.00	44,400.00	224,948.00
Total	783,410.50	763,000.00	763,000.00	809,000.00	809,000.00	888,000.00	4,815,410.50

³ It is considered that maximum priority in the short term should be given to ERF projects in order to address the difficulties currently being faced. Therefore Malta has opted not to make full use of the 7% technical assistance.

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Multi-Annual Programme : Draft Financial Plan							
Table 2 : Overall Financing Plan							
Member State: Republic of Malta							
Fund: European Refugee Fund							
<i>(in 000'euros-current prices)</i>	2008	2009	2010	2011	2012	2013	Total
Community Contributions	783,410.50	763,000.00	763,000.00	809,000.00	809,000.00	888,000.00	4,815,410.50
Public Co-financing	130,568.41	127,166.66	127,166.66	134,833.33	134,833.33	148,000.00	802,568.39
Private Co-financing	130,568.41	127,166.66	127,166.66	134,833.33	134,833.33	148,000.00	802,568.39
TOTAL	1,044,547.32	1,017,333.32	1,017,333.32	1,078,666.66	1,078,666.66	1,184,000.00	6,420,547.28
Community Contribution	75.00%						

Date :

Signature :