

**European Refugee Fund:
Final Evaluation of the first phase (2000-2004), and definition of a common assessment
framework for the second phase (2005-2010)**

NATIONAL REPORT ON MALTA

(March 2006)





Facts about Malta¹

Capital: Valletta

Population: 398,534 (July 2005 est.)

Net migration rate: 2.06 migrant(s)/1,000 population (2005 est.)

Languages: Maltese (official), English (official)

Ethnic groups: Maltese (descendants of ancient Carthaginians and Phoenicians, with strong elements of Italian and other Mediterranean stock)

Religions: Roman Catholic 98%

¹ CIA, the World Fact Book, <http://www.cia.gov/cia/publications/factbook/geos/mt.html>

1. Executive summary

With an exposed coast line and as one of the southern most entry points to the European Union, Malta has in recent years experienced an increasing influx of illegal immigrants entering Maltese territory primarily from the African continent. Between 2002 and 2004, Malta granted refugee or humanitarian protection status to 53 per cent of all asylum applicants, emerging as the country with the highest acceptance rate in Europe.

In recent years, Malta has experienced a natural population growth due to longer life expectancy. In combination with an average influx of 1,200 illegal immigrants per year, and taking the country's size and economy into consideration, this development is likely to exert a considerable pressure on the country's human, financial and economic resources. Various problems have also been identified by actors such as CPT and the Maltese Ombudsman concerning overburdened reception and residential facilities.

2004 was the first year of implementing a national ERF strategy in Malta. The total budget was EUR 409.598,52. Out of this amount, ERF contributed with EUR 111.840,01. The Maltese national ERF programme focussed only on the ERF strand of integration with approximately 96% allocation of ERF funds to the two projects under this strand. The remaining 4% of the total ERF distribution was provided to technical assistance. Both projects under the integration strand were implemented by NGOs.

- *Dar is-Sliem – 'Welcome Home'-project.* Implemented by the Board of Conservatorio Vincenzo Bugeja
- *Dar Bon Pastur – 'Good Shepherd Home'-project.* Implemented by the Emigrants' Commission.

Both projects aim at improving residential facilities for immigrants in combination with targeted integration activities focussing on health care, social assistance and initiatives aimed at improving education and job opportunities.

On an overall level, the ERF programme in Malta seems to be implemented in a satisfying manner reflecting the overall objectives of ERF as expressed in the Council Decision of 28 September 2000.

The responsibility for implementing the ERF programme in Malta is vested with the Ministry for Justice and Home Affairs, more specifically in the Third Country Nationals Directorate.

Due to the limited information obtained, it is difficult to assess the relations and satisfaction with the present ERF structures in Malta. However, the national ERF representative expressed dissatisfaction with heavy burdens of work and limited availability of resources in terms of time and personnel due to the administrative ERF set-up in relation to the proportion of the financial allocations. It is advisable that these structures are developed to ensure implementation and monitoring.

In general, the ERF strategy seems to address the present needs of Malta. Malta is, however, faced with a huge challenge in tackling the high number of illegal immigrants entering Maltese territory. At the same time Malta has one of the highest acceptance rates in Europe leading to a growing refugee population. As a result of the limited resources available, the Maltese 2004 ERF funding was directed towards one measure: the integration strand, but if future funding permits, resources should also be allocated to upgrade the Maltese reception facilities and tackle the challenges that have been identified in these. Moreover, sustainable programmes of voluntary repatriation could be developed to a further extent.

2.0 Introduction

This report was produced within the framework of the “Final Evaluation of the first phase (2000-2004), and the definition of a Common assessment framework for the second phase (2005-2010), of the European Refugee Fund”, an assignment that was managed, on behalf of the European Commission, by a consortium consisting of the Danish Institute For Human Rights (DIHR), the Migration Policy Institute (MPI) and Eurasyllum Ltd.

The overall aims of the evaluation of the ERF in all the participating member states were:

- 1) to identify, measure and analyse the key outputs, and their impact on the target groups and the national systems, of the ERF national programmes and Community Actions in 2000-2004. This also entailed an in-depth assessment of the implementation and administrative arrangements, at national and European Community levels, which have guided the deployment of ERF resources during the reporting period;
- 2) to measure and analyse the effect of the ERF as a whole on EU objectives of policy convergence and the establishment of a Common European Asylum System; and
- 3) to identify possible shortcomings at various stages of the programme cycle and to recommend areas for improvement for the second phase of the ERF.

The evaluation will be based on information gathered at project, national and European Community levels, including national programmes and Community Actions.

The evaluation will focus primarily on the 14 member states that have been included in the first phase of the ERF, from 2000 to 2004. The evaluation of these will be based primarily on collection of relevant documentation, country visits, dissemination of questionnaires as well as e-mail and phone communication with stakeholders.

The 10 new member states, which have only been included in the ERF as of May 2004, will be included in the evaluation through desk studies. These will not include country visits, but will be

based solely on questionnaires, collection of relevant documentation as well as e-mail and phone communication with stakeholders.

This country report is organised as follows:

- Sections 3.0, 4.0 and 5.0 discuss the key features of the asylum/refugee context in Malta, including the institutional and legislative background to the management of asylum and refugee policy interventions.
- Section 6.0 describes the key features of the European Refugee Fund in Malta, including the main tenets of the national strategy, issues of resources and the projects funded in the period.
- Section 7.0 and 8.0 presents the ERF budget and the supported projects.
- Section 9.0 briefly introduces the ERF Organisational set-up and programme implementation and management procedures.
- Section 10.0 analyses the Programme's relevance.
- Section 11.0 analyses ERF's impact, added value and sustainability.
- Section 12.0 sums up the key strengths and weaknesses of the ERF in Malta and provides the report's overall conclusions and recommendations.
- Annex 1 provides the list of documents consulted in the course of the evaluation and the people who have contributed with information.

Only two ERF-funded projects have been implemented since Malta's EU accession in 2004. Difficulties were encountered in retrieving the necessary feedback from the project managers, which according to the national ERF coordinator, was due to the increase in the workload in the centres during the time when the evaluation was being carried out. As a consequence, this bears influence on the analysis with a limited availability of qualitative as well as quantitative data. There has been email correspondence with the national ERF representative who forwarded useful background material. It has, however, been difficult to obtain additional information via this source and the national representative has several times expressed a concern in terms of responding to the questions posed in the evaluation as well as supplying basic background information in view of the increased influx experienced during the evaluation period. Moreover,

the national representative raised concern as to the ERF administrative set-up in Malta in relation to the proportion of the financial allocations.

3. The national asylum and refugee situation

With the recent years' increase in the irregular migration flows stemming mainly from Northern Africa, Malta has been confronted with a steady influx of immigration and asylum seekers – in part also due to its exposed coastline and geographical position as Europe's southern most point of entry. Out of 3,576 registered illegal immigrants arriving in Malta between 2002 and 2004, an average of 85% originated from Africa.²

In 2001, 41% of the refugees arrived from Africa and in the period from October 2004 until March 2005, this figure had risen to 90% the majority of which came from Somalia and Eritrea.³ In 2004 a total of 52 boats ported in Malta carrying a total of 1,388 illegal immigrants. In 2003 the registered number of boats was 12 with a total of 502 illegal immigrants.⁴

Table 1: Asylum applications, total

Year	2000	2001	2002	2003	2004
Asylum applications	71	153	474	457	840
Number of decisions					750
Positive					530
Rejections					215

Source: Eurostat 2005

Table 2: Asylum applications, 2004

² National Statistics Office – Malta, News Release 20 June 2005

³ Asylum Levels and Trends in Industrialized Countries – First Quarter 2005, UNHCR Geneva, May 2005

⁴ National Statistics Office – Malta, News Release 20 June 2005

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Asylum applications	90	25	5	45	35	40	110	100	120	100	80	90
Number of decisions	90	40	10	10	25	90	55	75	110	85	80	80
Positive	75	10	5	10	25	85	30	65	90	55	35	45
Rejections	15	25	5	5	0	0	25	10	20	30	45	35

Source: Eurostat, 2005

As can be seen in tables 1 and 2 there was a total of 840 new applications for the granting of asylum and refugee status. In 2004, 750 decisions were reached out of which 530 were positive while 215 applications were rejected. The total number of applications in 2004 amount to a total of 1,230 – this includes applications from previous years still to be processed as well as applications submitted in 2004 (the latter referred to as new applications).⁵ In the time span between January 2002 and May 2005, almost 90% of the asylum grants were given as humanitarian protection. During the first five months of 2005, the Office of the Refugee Commissioner has received 494 applications (including pending cases from 2004).⁶

With a net migration rate of 2.06 migrant(s)/1,000 population (2005 est.), the rise in Malta's refugee population stands out in comparison with the general tendency in Europe.⁷ While many EU countries such as The Netherlands, Slovenia, Spain and Sweden reduced their refugee population in 2004, Malta increased its refugee population. This tendency also characterized Luxembourg, Poland and Cyprus although at a slower rate than Malta.

⁵ ERF National Representative 11.11.2005

⁶ News Release, 20 June 2005, National Statistics Office – Malta
http://www.nso.gov.mt/statdoc/document_file.aspx?id=1030

⁷ CIA, the World Fact Book, <http://www.cia.gov/cia/publications/factbook/geos/mt.html>

Between 2002 and 2004, Malta granted refugee or humanitarian protection status to 53 per cent of all asylum applicants, emerging as the country with the highest acceptance rate in Europe⁸.

In recent years, Malta has experienced a natural population growth due to longer life expectancy. In combination with an average influx of 1,200 illegal immigrants per year, and taking the country's size and economy into consideration, this development is likely to exert a considerable pressure on the country's human, financial and economic resources.⁹

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4. The legal basis of the asylum and refugee system

4.1 International and National Legislation

The international obligations of Malta's asylum procedures is defined by the UN Convention of 1951 relating to the Status of Refugees and the New York Protocol of 1967, which Malta ratified in 1971. Until 1st January 2002 Malta applied the geographical reservation of Article 1B(1)a of

⁸The Times of Malta, 21.06.05

⁹http://www.mjha.gov.mt/downloads/documents/paper_immigrants.pdf

¹⁰ CIA, the World Fact Book, <http://www.cia.gov/cia/publications/factbook/geos/mt.html>

¹¹The Times of Malta, 21.06.05

¹²http://www.mjha.gov.mt/downloads/documents/paper_immigrants.pdf

the Geneva Convention obtaining full national management of asylum seekers after this date. This reservation was lifted following Malta's accession to the EU.

Moreover, in the field of immigration Malta has signed and ratified the European Agreement on the Abolition of Visas; the UN Convention against Transnational Organised Crime; the protocol to Prevent, Suppress and Punish Trafficking of Persons, especially Women and Children; and the Protocol against the Smuggling of Migrants by Land, Sea and Air. In November 2003, Malta joined the International Organisation for Migration.¹³

The Immigration Act was implemented in 1970¹⁴; The Refugees Act was enacted in 2000 and came into force 1 October 2001 forming the basis of the rights and duties of asylum seekers thus supplementing the Immigration Act.

In December 2002, Malta decriminalized the entrance without leave of its territory. However, the Immigration Act specifies that every migrant without leave – irregular or asylum seeker – is detained on the basis of an administrative decision. The Act provides that any person on Maltese territory without the rights of entry, transit or residence shall be considered as a prohibited immigrant and therefore be detained “in some place” until his or her deportation.¹⁵

Amendments to the Refugee and Immigration Acts in August 2004 provided for an increase in the resources available to the decision-making bodies and for inmates of detention centres to submit a request for conditional release on grounds that continued detention would be “unreasonable as regards duration or because there is no reasonable prospect of deportation within a reasonable time.”

In view of improvements in the speed of asylum procedures, the Maltese authorities have reviewed the detention period to a maximum of 12 months.

¹³ http://www.mjha.gov.mt/downloads/documents/paper_immigrants.pdf

¹⁴ Laws of Malta, Immigration Act, 1970, Chapter 217

¹⁵ Immigration Act, Section IV, Article 5 & 10

5. Organisation of and key players in the national asylum and refugee system

5.1 Key players in the national asylum and refugee system

Official institutions and organisations

- Office of the Refugee Commissioner
- Refugees Appeals Board
- Ministry for Justice and Home Affairs
- Third Country Nationals Directorate – Ministry for Justice and Home Affairs
- The Cabinet Committee (responsible for drawing up policy initiatives on irregular immigration)
 - Minister for Justice and Home Affairs
 - Minister of Defence
 - Minister of Social Solidarity
 - Minister of Health
 - Minister of Foreign Affairs
- Inter-ministerial Technical Committee (responsible for technical coordination and administrative implementation of matters related to irregular immigration)
 - Secretaries of Cabinet Committee members
 - Commissioner of Police
 - Commander of Armed Forces
 - Director of the Third Country Nationals Directorate serving as secretary to the Committee and liaison officer to NGOs

Other organisations and institutions

- UNHCR

NGOs including:

- the Jesuit Refugee Service

- the Emigrants Commission
- the Malta Red Cross

5.2 Organisation of the national refugee and asylum system

Reception

Via the enactment of the Refugees Act, new reception mechanisms were established in Malta. In the years prior to 2002, applications for refugee status were received, processed and determined by UNCHR in Rome. Issues relating to the reception of irregular migrants were taken care of by the Police Department but due to an increase in the number of irregular immigrants, the Maltese Armed Forces offered facilities for accommodation.

The Office of the Refugee Commissioner, which became fully operational 1 January 2002, represents the first instance body for asylum seekers while the appeal mechanisms are handled by the Refugees Appeals Board. The Refugee Commissioner, the chairperson and the members of the Refugees Appeals Board are appointed by the Prime Minister.

The Refugees Act stipulates that an asylum seeker is interviewed by an immigration officer as soon as possible. The officer is to inform the person about the asylum procedures and the declaration to be submitted to the Refugee Commissioner. The applicant has the right to consult the UN High Commissioner and has a right to legal assistance during the appeals procedure.

The Refugee Commissioner examines the application and decides whether asylum is granted. In the course of the process the asylum seeker is entitled to have access to state education and training and receive state medical care and services. An asylum seeker is not allowed to enter employment; shall reside in the places indicated by the Minister responsible for Immigration and must report to immigration authorities at specific intervals.

While the case is being processed, the applicant is housed in one of three Reception Centres – two run by the Malta Police Force while one is managed by the Malta Armed Forces in an army

barrack.¹⁶ These centres are *closed* reception centres, and the applicant is kept under detention during the processing of the case up to a maximum of 18 months. The Ministry of Justice and Home Affairs in conjunction with other ministries and NGOs strives to maintain the centres in accordance with the following standards:

- Basic conditions available in terms of privacy, adequate sanitation and provision of basic material necessities;
- Provision of free state medical care and services;
- Any sanctions applied shall take the detainee's state and situation into consideration;
- Detainees have the right to freedom of thought, conscience and religion;
- Detainees have the right to seek professional assistance (e.g. legal assistance) and communicate with relatives, NGO- and UNHCR representatives
- The competent authorities shall ensure that all detainees are made aware of their rights and obligations.¹⁷

In case refugee status is declared, the person is entitled to remain in Malta and to be granted personal documents. The person may leave and return to Malta without the need of a visa unless the person is in custody awaiting judicial procedures or serving a sentence of imprisonment. The person will enjoy access to state education and training and receive medical care and services. Dependant members of a family of a person declared to be a refugee enjoy the same rights and benefits as the refugee if they are in Malta.

In case a person below the age of eighteen falls within the scope of the Act, the person shall be allowed to apply for asylum. Temporary humanitarian protection can also be granted to persons who do not qualify as refugees.¹⁸

Between January 2002 and November 2004, the Office of the Refugee Commissioner processed 1,569 cases involving 1,903 persons¹⁹

¹⁶ Malta European Refugee Fund Programme 2004 – Request for Co-financing

¹⁷ http://www.mjha.gov.mt/downloads/documents/paper_immigrants.pdf

¹⁸ Refugees Act 2000 and as amended in 2004 and 2005

¹⁹ http://www.mjha.gov.mt/downloads/documents/paper_immigrants.pdf

In June 2003, two 'Open Centres' were established to accommodate unemployed refugees and persons enjoying humanitarian protection and being unable to find independent accommodation. One Centre is being run by the Police Force while the other is managed by the Armed Forces. Moreover, a local church organization, the Emigrants' Commission has entered into an operational partnership with UNHCR offering accommodation as well. In 2004, the organization housed about 200 persons and is also subsidized by the Maltese government.²⁰

Integration

A number of NGOs are involved in providing aid to refugees and asylum seekers – more than 80% of the total Maltese workforce in this area consists of volunteers.²¹

After obtaining refugee status, the person is entitled to certain rights including free social services and education, residence permits and travel documents. The Ministry for the Family and Social Solidarity will in co-operation with the relevant ministries assist in the areas of education and training; financial entitlements (Social Security); accommodation and employment.²²

Work permits are issued on a case-by-case basis. Moreover, accommodation can be offered until the person finds the means to cover the costs of independent accommodation. (see above)²³

Unaccompanied minor asylum seekers are under a Care Order as stipulated in the national Refugee Act making their care the direct responsibility of the Ministry responsible for Social Policy²⁴. The minors are guaranteed residence in Malta until they reach the age of 18 but many have been granted humanitarian protection. In the course of 2004, 20 unaccompanied minors were registered by the Maltese authorities.²⁵

Repatriation

²⁰ Malta European Refugee Fund Programme 2004 – Request for Co-financing

²¹ The NGOs include the Jesuit Refugee Service, the Emigrants Commission, the Maltese Red Cross

²² http://www.mjha.gov.mt/downloads/documents/paper_immigrants.pdf

²³ US Department of State, 2003

²⁴ The Order is specified in Cap 285 of the Children and Young Persons (Care Orders) Act.

²⁵ Malta European Refugee Fund Programme 2004 – Request for Co-financing

In accordance with the Refugees Act (Cap 420) and the Immigration Act (Cap 217) rejected asylum seekers who have exhausted all legal remedies, will be required to leave Malta. According to the Maltese authorities, voluntary returns will be preferred while forced removals shall only be applied when there is no well-founded fear that the deportee will face serious danger to his/her life or liberty, or be subjected to persecution upon reaching the destination. The Ministry for Justice and Home Affairs strives to cooperate with third countries and this is done especially with the assistance of the Maltese Ministry for Foreign Affairs.²⁶

The Maltese authorities have been criticized for their expulsion of especially Eritrean asylum seekers, a population group that has represented a large part of the influx of illegal immigrants in recent years. AI has expressed their concern and encouraged the Maltese government to respect and uphold the principle of non-refoulement. However, according to the ERF national coordinator, the results of a magisterial inquiry called for by the Maltese Government proved otherwise: the Maltese authorities were legally correct in their proceedings; there was no external pressure for deportation of the Eritrean asylum seekers; and both the Commissioner of Police and the Commissioner for Refugees proved that from their end all cases were treated in a legally correct manner.²⁷

Specific problems

In the Policy Document from the Ministry for Justice and Home Affairs, the fight against irregular immigration is highlighted as a priority issue for the Maltese government.

The high number of irregular immigrants, refugees and asylum seekers has created specific problems for the Maltese authorities, which have also been pointed out in reports by Amnesty International, Human Rights Watch²⁸. The Maltese Request for Co-financing submitted to ERF in

²⁶ http://www.mjha.gov.mt/downloads/documents/paper_immigrants.pdf

²⁷ Email correspondence with ERF National coordinator, 11.11.2005

²⁸ On 13 January 2005, over 90 inmates of a detention facility for aliens at Safi army barracks conducted a peaceful protest, refusing to re-enter the centre at the end of an exercise period. The inmates, some of whom had apparently been detained for over 18 months, were protesting about the length of their detention; lack of information about the progress of their applications for refugee status or humanitarian protection and, in the case of those whose applications for asylum had already been rejected, lack of information concerning their future. Eyewitnesses have reported that after the protestors refused an order to re-enter the barracks, soldiers, dressed in riot gear and armed with batons and shields, charged the peaceful protestors

2004 also highlights the problem with limited resources to cover the costs of the relatively high number of irregular immigrant on Maltese territory. Moreover, Malta has launched an international campaign aimed mainly at EU and Libya seeking help to solve the issue. The EU Commission has responded that no EU ‘emergency funds’ are available to solve the issue while emphasizing that Malta in 2005 receives 5 times more support than in 2004. The spokesman added that “Malta could take advantage of the substantial increase of ERF funding to develop its asylum policy and capacity building, in particular regarding reception conditions and asylum procedures”.²⁹ In this respect, the national ERF coordinator emphasizes that Malta welcomes the possibility of an early receipt of emergency funds.³⁰

In October 2003, the Council of Europe’s Commissioner for Human Rights Gil Roble visited Malta and his reports from February 2004 highlights some of the problems specifically relating to the situation of increasing numbers of irregular migrants and asylum seekers.

As contained in the provisions of the Immigration Act, all irregular migrants and asylum seekers are detained while their case is being processed. In 2002, the Hal Far detention centre for aliens opened with a capacity of 80 migrants resting on the assumption that Malta would receive a few hundred migrants per year. However, Malta’s status as a first accession point to Europe was underestimated. Consequently, the increase in migrants has caused problems and forcing the Maltese authorities to utilize police centres and army barracks. The human rights Commissioner’s report points out that the unfortunate and unsustainable situation is caused by the current immigration policy, an insufficient infrastructure and the length of expulsion or asylum procedures. Gil-Roble’s report problematizes the provisional detention facilities – especially at the Hal Safi Barracks where overpopulation, systematic hand cuffing, lack of recreational facilities and inadequate sanitation constitutes a bleak picture. In addition, detainees have inadequate access to legal assistance and asylum procedures are often prolonged causing indefinite detainment. The ERF national coordinator stresses that these shortcomings were due to

and subjected them to deliberate and gratuitous violence”
(<http://news.amnesty.org/index/ENGEUR010102005>).

²⁹ The Times, Friday 12 August 2005

³⁰ ERF national coordinator, 11.11.2005

the limited financial and human resources and the heavy influx of refugees during this period and are today being addressed.³¹

The Ombudsman of Malta has also criticized the use of handcuffs and the general procedures surrounding irregular immigrants held in detention at Mount Carmel Hospital.³² Moreover, Amnesty International (AI) has reported on these conditions resulting in problems with lacking access to education, malnutrition and mental health problems for detainees. AI also pinpoints the fact that by the end of 2004, over 800 people, including women and children, were held in detention centres run by the police and armed forces. Many were held on grounds beyond those permissible under international norms.³³ Moreover, in January 2005, AI called for “a prompt, thorough and impartial investigation into reports that members of the Maltese armed forces had subjected scores of asylum-seekers and unauthorized migrants to physical assault resulting in numerous injuries”.³⁴

The Council of Europe’s Committee for the Prevention of Torture (CPT) has also raised various critical comments upon inspection visits to the detention centres in 1995 and 2001.³⁵ CPT undertook a recent inspection visit in June 2005 but the report is not yet public. In a response to the High Commissioner’s findings and recommendations, the Maltese authorities underline that the number of detained irregular migrants and asylum seekers have decreased from 550 in October 2003 to 240 in February 2004.

According to the Maltese government in the ERF Request for Co-financing from 2004, the situation has improved after the establishment of accommodation reception centres. However, problems remain with integrating residents of the Government-supported Open Centre.

³¹ ERF national coordinator, 11.11.2005

³² Annual Report 2004, The Ombudsman of Malta

³³ Amnesty International Annual Report 2005

³⁴ <http://news.amnesty.org/index/ENGEUR010102005>

³⁵ CPT/INF (96) 25, CPT/INF (2002) 16

6. The national ERF strategy

6.1. Priorities

In the request for Co-financing from 2004, the Maltese responsible authority, the Third Country Nationals Directorate – part of the Ministry for Justice and Home Affairs, focuses on the strand of integration in applying for two specific projects. Moreover, the request focuses on technical assistance for upgrading the capacity of the Maltese ERF authorities to conduct evaluation reports.

7. ERF budget

Malta

Start date:	01.01.04
End date:	31.12.05
Commission Decision reference:	C(2004)5605
Commission decision date:	22.12.04
Total amount:	111.840,01
Advance payment amount:	55.920,00
Advance payment date:	29.12.04
Request for interim payment due:	30.06.05
Request for interim payment received:	---
Request for final payment due:	30.06.05
Paid to date:	55.920,00
Remaining allocations:	55.920,00

**Figures above provided by EC Directorate General – Justice, Liberty and Security.*

8. ERF Projects

Strand	ERF funds	State & Private allocations	Total
Reception	-	-	-
Integration	107.673,83	292.374,81	400.048,64
Repatriation	-	-	-
Technical assistance	4.166,18	5.383,70	9.549,88
Total	111.840,01	297.758,51	409.598,52

**The figures in the table above are based on the EC DG figures. Please note that the figures reflected in the project descriptions below are based on the data provided by the ERF national representative in Malta and the ERF Request for Co-financing, 2004.*

Projects supported in 2004

Integration

Two projects were applied for under the strand of integration. Both projects aimed at improving the standards in residential facilities.

Project 1

Dar is-Sliem – ‘Welcome Home’

ERF contribution: EUR 37.632,33

National allocations: EUR 70.354,99

Private allocations: EUR 29.189,16

Total costs: EUR 137.176,48³⁶

The project focuses on the residential facility for unaccompanied minors, which was set up in June 2003. The Dar is-Sliem facility aims to create a homely environment for minors who would otherwise be confined to closed centres. Moreover, the project focuses on improving the conditions for integration by facilitating access to education and job opportunities as well as in-house training. The opportunities in Maltese society are introduced focussing on health and other social services and the project seeks to improve integration by establishing contacts between the minor and Maltese families. Moreover, Dar is-Sliem offers individual professional counselling and group sessions for adolescents with specific needs.

The ERF funding is covering activities within Dar is-Sliem in the 2-year period from 1st January 2004 until 31st December 2005.

The planned actions to be implemented in the project period:

- *Housing* – Providing better housing facilities by supporting the staffing and procedures of Dar is-Sliem
- *Providing means of subsistence* – Support to feeding, clothing and providing residents with daily necessities
- *Health care* – Ensuring that health needs are met – including psychosocial assistance offered by the resident officer being a psychotherapist by profession.
- *Other social assistance* – Developing individual care plans of the beneficiaries including education, skills-training and social integration plans.

The applicant is the Board of *Conservatorio Vincenzo Bugeja* – a building housing the residential facility. The Board has the overall responsibility of the daily running of the centre.

³⁶ The project also benefits from contributions in kind with a total of EUR 9.273,30.

The project involves the following national authorities:

- Ministry for Justice and Home Affairs
- Ministry for the Family and Social Solidarity
- National Authorizing Office
- Internal Audit and Investigations Directorate

The project operates with a variety of indicators on the expected quantifiable results.

Project 2

Dar Bon Pastur – ‘Good Shepherd Home’

ERF contribution: EUR 70.041,50

National allocations: EUR 70.041,50

Private allocations: EUR 122.789,16

Total costs: EUR 262.872,16

Dar Bon Pastur is a residential facility for adults enjoying refugee, humanitarian or other form of protection in Malta. The facility is operated by the Emigrants’ Commission, which is in charge of 91% of the housing provided for refugees not living in the open centres run by the government. The Commission is also the project’s grant recipient.³⁷ The project focuses on improving the possibilities of integrating into Maltese society, specifically by providing refugees with the means to live self-sufficient lives. The project seeks to intensify the Emigrant Commission’s efforts to provide housing, employment and education.

The project period runs from 1st January 2004 until 31st December 2005.

The objectives of the project are as follows:

³⁷ The Emigrant’s Commission is a non-profit, voluntary organisation set up in 1950. The Commission is a.o. the operational partner and representative of UNHCR in Malta.

- Providing housing and shelter for refugees and people with humanitarian protection
- Providing transport for staff and residents
- Provision of food and basic necessities
- Other social assistance enabling beneficiaries to adjust to Maltese society and be self-sufficient (specific focus on employment, education and language courses)
- Offering administrative support to activities
- Training and staff development for project staff

The project involves the following national authorities:

- Ministry for Justice and Home Affairs
- Ministry for the Family and Social Solidarity
- National Authorizing Office
- Internal Audit and Investigations Directorate

The project operates with a variety of indicators on the expected quantifiable results.

Technical assistance

Given that the ERF allocation for 2004 was limited to 9.549,88 euros it was impossible to implement any projects under the strand of technical assistance and all capacity building activities were funded through national funds. This ERF allocation is being utilised for evaluation purposes.³⁸

³⁸ Email correspondence with ERF national coordinator, 11.11.2005

9. Organisational set-up and programme implementation and management procedures

The responsible authority of the ERF representation in Malta is vested with Third Country Nationals Directorate – Ministry of Justice and Home Affairs. The appointed ERF national representative has been unable to provide information on the organisational set-up and management procedures of the ERF programme in Malta. Due to the administrative requirements in relation to the proportionality of the financial allocations as well as the large immigrant influx experienced during the period in question, the national representative expressed dissatisfaction with work burdens and with the limited availability of resources in terms of time and personnel. The national representative also expressed the concern that he was still on a learning curve since the implementation of the ERF programme was a new experience for Malta.³⁹

10. Programme relevance

First and foremost, the relevance of the *overall ERF programme* and its priorities in relation to the different strands must be assessed in relation to the overall objectives of the ERF, as outlined in the Council Decision of 28 September 2000 (2000/596/EC). Is the strategy relevant to the fulfilment of these objectives?

Secondly – and equally important – relevance must be assessed in relation to the general refugee and asylum seeker situation in Malta. Is the strategy relevant to the solution of the challenges that this situation presents? Malta has, as explained above, experienced a dramatic increase in the number of asylum applications within recent years and the high influx of illegal immigrants exerts a high pressure on the Maltese reception facilities. At the same time Malta has the highest acceptance rate in Europe and a growing refugee population as one of the only countries in Europe. The Maltese authorities have decided to focus on two residential facilities and the integration programmes associated with these. The need and demand is there but if future funding allows, resources should also be allocated to upgrade the Maltese reception facilities and tackle

³⁹ Email correspondence with ERF national coordinator 11.11.2005

the challenges that have been identified in these. Moreover, programmes of voluntary repatriation could be developed to a further extent.

11. Programme impact

At this stage it is very difficult to assess the levels of effectiveness and efficiency in the implemented Maltese programmes. As mentioned in section 2, difficulties were encountered in retrieving the necessary feedback via the questionnaires provided as a result of the increase in the number of individuals residing in the centres during the time when the evaluation was being carried out and the subsequent increased workload on the persons involved. Only two on-going projects have been implemented since 2004, and as a consequence the basis upon which to draw conclusions is limited. The impact of the implemented activities is difficult to assess just as the possible coherence, complementarity or even overlap with other EU funded activities in Malta. However, according to the ERF implementing authority, the projects focussing on the residential facilities of Dar is-Sliem and Dar bon Pastur complement other initiatives carried out by Malta's European Social Fund (ESF) Community Initiative Programme (CIP) EQUAL. According to the Maltese Request for Co-financing 2004, Dar is Sliem is, nevertheless, the first initiative aiming specifically at unaccompanied minors and no project overlaps are foreseen. The project aiming at adults residing at Dar Bon Pastur is expected to complement the activities already carried out by the Emigrant's Commission as well as activities conducted as part of Malta's ESF CIP Equal programmes.

The feedback in terms of assessing the ERF management structures in Malta is absent. Both in relation to the cooperation between the project coordinators and the ERF representative and also in relation to the cooperation between the ERF representative in Malta and the EU level – i.e. the EC desk officer.

The limited feedback and resources previously highlighted must be borne in mind when drawing conclusions and recommendations.

12. Conclusions and recommendations

The paragraphs below sum up the central conclusions and recommendations resulting from the findings of the report.

- 2004 was the first year of implementing a national ERF strategy in Malta. The total budget was EUR 409.598,52. Out of this amount, ERF contributed with EUR 111.840,01. The Maltese national ERF programme focussed only on the ERF strand of integration with app. 96% allocation of ERF funds to the two projects under this strand. The remaining app. 4% of the total ERF distribution was provided to technical assistance. Both projects were Ministry for Justice and Home Affairs and implemented by NGOs.
- On an overall level, the ERF programme seems to be implemented in a satisfying manner reflecting the overall objectives of ERF as expressed in the Council Decision of 28 September 2000.
- Due to the limited information obtained, for reasons mentioned above, it is difficult to assess the relations and satisfaction with the present structures. The national ERF representative expressed dissatisfaction with heavy burdens of work and limited availability of resources in terms of time and personnel due to the administrative ERF set-up in relation to the proportion of the financial allocations.
- In general, the ERF strategy seems to address the present needs of Malta. Malta is faced with a huge challenge in tackling the high number of illegal immigrants entering Maltese territory. At the same time Malta has one of the highest acceptance rates in Europe leading to a growing refugee population. As a result of the limited resources available, the Maltese 2004 ERF funding was directed towards one measure: the integration strand, but if future funding permits, resources should also be allocated to upgrade the Maltese reception facilities and tackle the challenges that have been identified in these. Moreover, sustainable programmes of voluntary repatriation could be developed to a further extent.

Annex 1

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