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# SHADOW REPORT

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Steering Committee,  
Malta

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Aditus foundation is an independent, voluntary & non-profit organisation (NGO) established by a group of lawyers with a mission to monitor, act & report on access to fundamental human rights in Malta. We believe in the universality, interdependence and indivisibility of all human rights.

This Shadow Report was drafted and published in the context of the project **2incING: Thinking of integration process as a two-way inclusion**, wherein we sought to strengthen the relationship between migrant- and refugee-led groups with Governmental authorities.

It is freely available on the website of aditus foundation in **English** and **Maltese**:



English



Maltese



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# Introduction

Nowadays, identity documents are an essential tool in establishing and confirming an individual’s legal identity in modern societies, facilitating various activities such as opening a bank account, traveling, employment, and accessing essential services.

The roots of the modern system of identity documents date back to the 19th and early 20th centuries when various governments recognized the importance of having reliable means to verify an individual’s identity for purposes such as governance, law enforcement, taxation, immigration controls and public services. Such needs triggered countries into implementing official identification systems to address the growing need for accurate identification and documentation of their citizens.

In today’s society, having the appropriate documentation, or the lack thereof, can have significant effects on the daily lives of migrants in a migration situation.

Indeed, on the one hand, it is clear and evident that being appropriately documented is crucial in determining the rights and privileges individuals have access to, as well as the level of security and stability they can enjoy.

Conversely, the lack of identity documentation presents a spectrum of challenges, ranging from minor inconveniences to severe repercussions. This report focuses on exploring the difficulties associated with documenting third country nationals residing in Malta, encompassing a comprehensive overview of these challenges and their corresponding consequences.

To achieve this, we will begin by examining the underlying causes of immigration in Malta. Subsequently, we will delve into the specific documentation requirements and challenges faced by different types of migrants in Malta. We will shed light on the particular obstacles encountered by individuals seeking international protection in Malta, before finally making some recommendations.

Furthermore, it is important to acknowledge that this report incorporates insights gathered from migrant communities residing in Malta, who have shared their first-hand experiences that have informed the content presented. As a result, certain information presented in this report may not have specific references or sources but reflects a realistic portrayal of the challenges faced by third country nationals in Malta.

# 1. Causes of immigration in Malta

## 1.1 Context

Over the past ten years, Malta has experienced a notable population growth, with an increase of approximately 100,000 individuals. According to the latest statistics provided by the National Statistics Office, the total population rose from 422,509 in 2012 to 520,971 in 2021.

Net migration in Malta per year

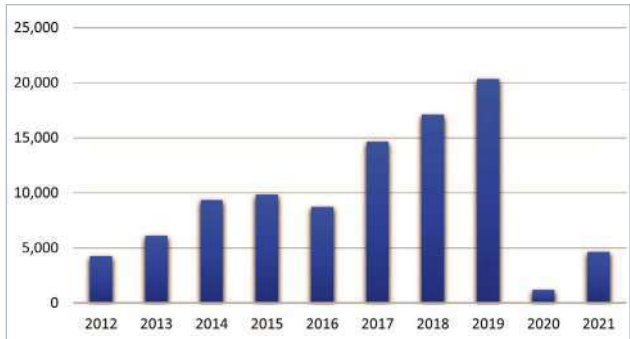


Figure 1: Net migration in Malta per year

The 2020 and 2021 figures are due to the COVID-19 pandemic related measures that were taken around the globe. In any case, these figures indicate a significant demographic shift within a relatively short time frame, highlighting the dynamic nature of Malta’s population dynamics.

Data from the 2021 census revealed that the number of foreigners residing in Malta stood at 115,449; an increase of more than five times in the share of foreigners since 2011, when the number of non-Maltese residents stood at 20,289.

Foreign nationals in Malta

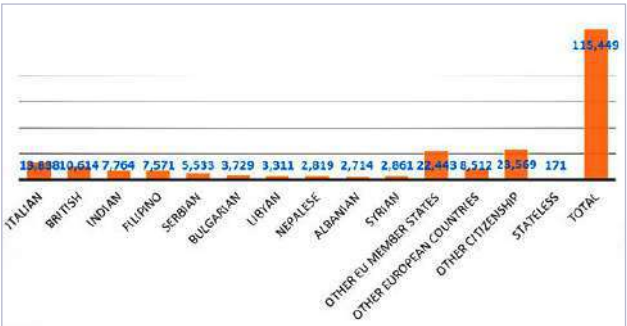


Figure 2: Total number of European citizens in Malta

The number of Third Country Nationals from non-European countries represents 9.25% of the Maltese population.

By excluding the UK and integrating the population of non-member states that need a working permit to work in Malta, they are 48,066. The largest share of non-European citizens is Indian (7,764), followed by Filipinos (7,571).



**Total of TNCs, including EU non member states countries (excluding the UK)**

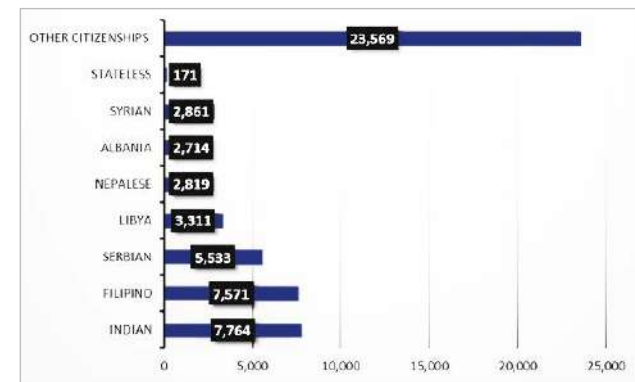


Figure 3: Total number of Third Country Nationals in Malta

Such migrations have several causes. The below graph is an estimated share of the causes of migration.

**Causes of Migration in Malta**

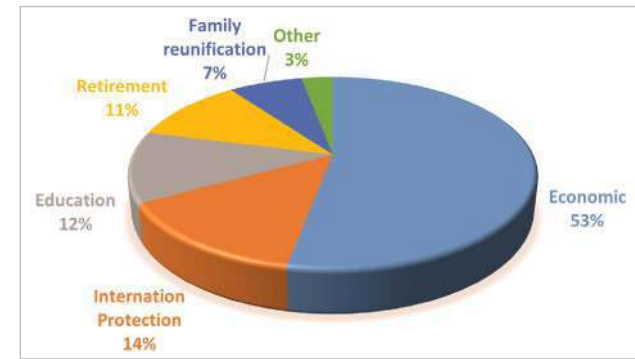


Figure 4: Causes of immigration in Malta

In the following section, we shall be breaking down each category and explain why individuals migrate to Malta over the reasons exposed here above.

**1.2 Economic**

Migration for economic reasons has been growing throughout the years as the country has an increasing demand for highly skilled professionals in various industries.

As a result, Malta maintains one of the lowest unemployment rates in the European Union, with a consistent decrease in unemployment across all age groups and categories in recent years. At the time of this report, the unemployment rate in Malta is at 3.5%.



Figure 5: Unemployment rate in Malta from 1991 to 2023

Such migration affects both EU and non-EU citizens. Indeed: Non-EU citizens often migrate to Malta in search of better job opportunities and a higher standard of living.

Regarding EU citizens migrating to Malta, while the wages in Malta may be comparatively lower than those of other European Union countries, the decision to move is often motivated by additional factors, including the lower cost of living and a more favourable climate.

The below graph illustrates the minimum wage in other European Union States, compared to Malta, between the years 2013 and 2023. It also illustrates the average annual growth per year.

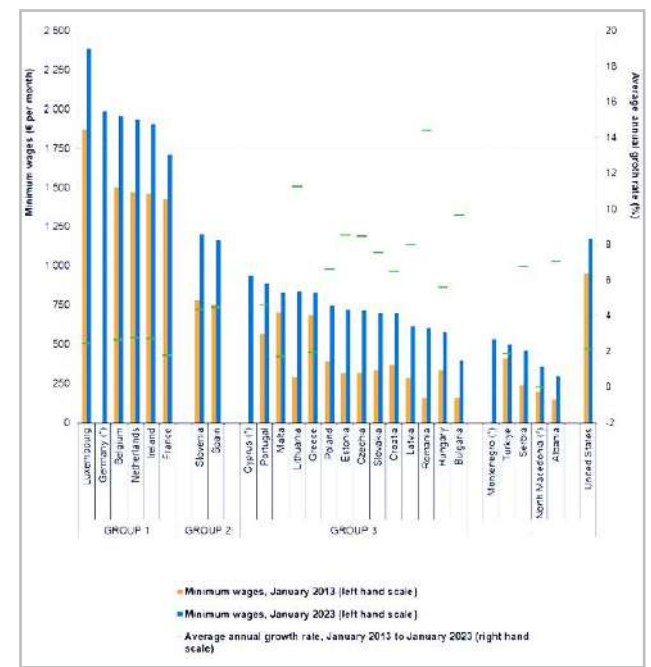


Figure 6: Minimum wages January 2013 & January 2023

**1.3 Education**

Throughout the years, Malta has become a more and more attractive destination for international students seeking a high-quality education. The popularity of its education, as well as its attractiveness are mainly due to the following reasons.

In comparison to other European countries, Malta's tuition fees are relatively affordable.

Additionally, students from other EU states may be eligible for scholarships and other funding opportunities to assist with the costs of studying in Malta.

Malta boasts a well-developed education system that provides a diverse range of academic programs, degrees, and courses that are globally recognized.

Malta is one of the only two countries in the EU where English is an official language (Ireland also



has English as official language) : this means that EU citizens can migrate to Malta for as long as necessary to learn English without requiring a visa.

1.4 International Protection

Migration can also be motivated by political instability, persecution, and conflict. Over the past few years, the Maltese islands have provided protection to numerous refugees as well as asylum seekers who have fled from their countries of origin due to such issues.

Sea arrivals per year in Malta

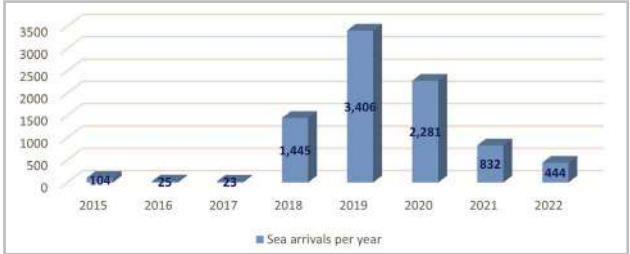


Figure 7: Sea arrivals per year in Malta

The sea arrivals top countries of origin are exposed in the below graph:

Sea arrival top countries of origin

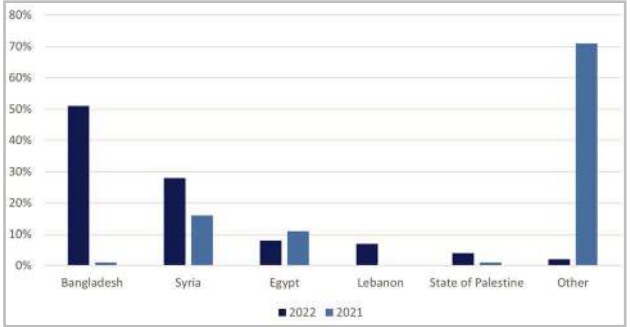


Figure 8: Sea arrivals per top countries of origin

At the time of this report (in May 2023), Malta has totalized 92 arrivals by sea in the year 2023, which represents 0.16% of the arrivals by sea in the European Union.



Figure 9: Arrivals by sea in Europe in May 2023

1.5 Lifestyle

Several other significant factors contribute to the desire to migrate to Malta. Some of those factors are mentioned here below, though not limited to them.

**High quality life:** there is a low crime rate within the Maltese islands, making it a safe place for individuals and families to live.

**Pleasant climate:** Malta is known for its hot summers and mild winters. Such weather appeals to many people, especially those from colder climates or fast-paced environments

**Affordable cost of living:** though the cost of living in Malta is not the cheapest in Europe, it is relatively affordable compared to other EU countries. This makes it an attractive destination for those seeking a high-quality life without financial stress.

**Healthcare:** Malta has a modern and well-equipped healthcare system, with both public and private hospitals offering high-quality care to its residents.

**Retirement:** with its affordable cost of living and excellent healthcare system, Malta is an attractive destination for retirees. Non-EU citizens who meet the eligibility criteria may apply for a retirement visa in Malta.

1.6 Family reunification

Family reunification is a common reason for migration to Malta, where family members who are already residing in Malta can sponsor their relatives to join them in the country. This includes spouses, children, parents, and other dependent family members.

Family reunification is a common reason for migration to many countries, and Malta is no exception. This type of migration allows families to be reunited, thus promoting social cohesion.

In conclusion, Malta has become an attractive destination for migration due to a combination of factors such as its strategic location in the Mediterranean, favourable economic opportunities, and its membership in the European Union. The steady increase in population over the years is a testament to the appeal of Malta as a destination for individuals seeking better prospects and a higher quality of life.

However, the challenges and consequences related to documentation cannot be overlooked. The process of obtaining and maintaining appropriate documentation poses significant hurdles for migrants in Malta. The next section will be exclusively dedicated to exposing those hurdles.



## 2. Documentation, Challenges & Consequences

### 2.1 Scope

After identifying the main causes for migration, the Steering Committee recognized the need to delve into the necessary documentation for each type of migration.

It is important to note that each category of migration has its unique set of documentation requirements, along with challenges that may arise in the process. In some cases, the challenges related to documentation may even begin in the migrant's country of origin.

This section will not only examine the requirements for migrant documentation but will also explore the obstacles and challenges associated with fulfilling these requirements.

This will provide valuable insights into the complexities involved in the migration process and help potential migrants to make informative decisions whilst preparing adequately for their journey.

Furthermore, this section will specifically focus on third country nationals, who have unique requirements and challenges when it comes to documentation for migration to Malta.

In this section, we will provide concrete examples that illustrate the challenges faced by individuals in their everyday lives, highlighting the tangible consequences that we have encountered during the fieldwork conducted for the purpose of this report.

Our aim in presenting these real-life experiences is to illuminate the practical implications of the challenges and underscore their significance in the day-to-day lives of those impacted by them.

### 2.2 Access from overseas

The journey of relocating to Malta starts from the country of origin. As such, third country nationals are required to obtain a visa, granting them access to Malta. For that, visa applicants must visit the Maltese passport office or a Maltese consulate in person. Failure to obtain such a visa jeopardizes the relocation process in Malta.

Malta totalizes 17 Embassies and 97 Consulates spread in 99 countries around the world.



Figure 10: Map of foreign diplomatic missions of Malta

Despite its considerable number of representations, there are still procedural challenges concerning the obtaining of the visa. Indeed, not all Maltese representations are providing visa services. Often, third country nationals are required to travel from one state to another to apply and wait for a visa – with no guarantees of its acquisition.

Here below are some examples.

#### 2.2.1 Example of Achraf, attempting to study in Malta

The following excerpt is the testimony of Achraf, a young Moroccan currently living in Casablanca, who attempted to relocate to Malta for studying purposes.

##### 2.2.1.1 Challenge to access the Embassy of Egypt

*I had just graduated as a Mechanical Engineer in Casablanca, but I wanted to have an equivalent degree in the European Union in order to gain an advantage in the labour market. I chose Malta because my mother's siblings have been living there for over two decades, and I wanted to be with them.*

*With their blessing, I reached out to study institutions in Malta, including the University of Malta. One of the education centres had accepted my application. My family and I paid the school fee, and a letter of admission was given to us. From that aspect, everything went smoothly.*

*Things became complicated when I applied for a visa. To cut a long story short: I was required to travel from Morocco to Egypt, request an appointment at the Malta Embassy in Egypt for the visa proceedings. And the closest appointment date was ... more than two months after my first school day.*

*This was despite the fact that the letter of admission specified the date of commencement of class. I pleaded for the appointment date to be moved up, to no avail. Eventually, the visa was denied, because there was no confidence that I was really going there for school – as class had begun by the time of the interview.*

##### 2.2.1.2 Consequences

Achraf believed he had a “strong case” for the visa to be granted to him – he had an admission letter, he had family in Malta that proved both to the Embassy and the school they were able to host him, and they committed themselves to sustain him during his studies in Malta.

He fulfilled all the necessary requirements to obtain the visa he needed to study in Malta. Those requirements are listed here below.

- Possession of a valid travel document covering the course duration
- Notarized authorization from parents or legal guardians for minors
- Comprehensive health insurance policy for the entire stay
- Payment of application fee
- Sufficient financial resources to cover living costs
- Evidence of return travel arrangements or funds to purchase a ticket
- Residential address in Malta
- No threat to public policy, security, or health
- Letter of admission from a recognized institution in Malta
- Evidence of payment of course fees or exemption for hosted applicants
- Sufficient language proficiency for the chosen course

Yet, because of the lack of a Malta consulate licensed to provide visas in Morocco, he could not relocate to Malta.

Consequently, Achraf lost a full year during which he could have pursued other studying possibilities in Malta and also in Morocco. Indeed: it was late for him to apply for other studies as he had missed the deadlines, and he had spent considerable funds to travel and apply for a visa.

#### 2.2.2 Example of two women from the Philippines

##### 2.2.2.1 Incident in the Philippines

In April 2023, the Philippines Bureau of Immigration intercepted two victims of human trafficking who were on their way to Malta. Initially posing as tourists, the





two women eventually admitted their intention to travel to Malta for employment.

They received their travel documents from an unknown person outside the airport, unaware that their employment visas to Malta had been cancelled beforehand.

The Immigration Commissioner warned against dealing with recruiters and highlighted the exploitation of human trafficking victims in the Mediterranean.

A more complete account of the incident can be found on [this link](#).

#### 2.2.2.2 Consequences

Such an account provides some insights of how challenging the migration process can be.

First, it highlights the ongoing problem of human trafficking, which is a global issue that affects many vulnerable individuals seeking better opportunities abroad.

Second, it emphasizes the importance of proper documentation and legal pathways for migration. In this case, the victims were lured into trafficking by fraudulent recruitment and were not aware that their visas had been cancelled, which put them at risk of abuse and exploitation.

Third, it highlights the need for stronger enforcement measures and penalties to combat human trafficking and fraudulent recruitment.

Finally, the story underscores the importance of being cautious and vigilant when dealing with recruiters and to ensure that proper procedures are followed, and the appropriate documentation is provided, when seeking opportunities abroad.

### 2.3 Upon entrance on the Maltese territory and lifestyle

This section will focus specifically on the challenges that third country nationals face as soon as they reach Malta, and on a quasi-daily basis.

#### 2.3.1 ID Malta

##### 2.3.1.1 Role of ID Malta

Identity Malta, often referred to as “ID Malta” by migrants, is the agency responsible for managing immigration, and therefore identity documentation for both EU and non-EU citizens. Identity Malta is renowned to work closely with other government agencies to ensure that the migration process is efficient and transparent.

Immigrants in need of new Identity documents, visa extension or renewal of identity documentation often rely on Identity Malta.

In other words, every non-Maltese citizen who relocates to Malta will eventually have some contact with Identity Malta. For most Third Country Nationals, Identity Malta is the first government agency they deal with as soon as they arrive in Malta.

##### 2.3.1.2 Challenges encountered by migrants regarding Identity Malta

Whilst we acknowledge that Identity Malta plays a crucial role in managing the immigration within the borders of Malta, there are some challenges that immigrants face when dealing with the agency. Here are some of them.

**Limited availability of information:** Migrants may struggle to access reliable information about the migration process, requirements, and available resources.

**Language barriers:** The official language of Malta is Maltese, but English is widely spoken. However, non-English speaking applicants may have difficulty understanding the application process, requirements, and instructions.

**Complex and lengthy application processes:** The application process for visas and residence permits can be complicated, time-consuming, and require the submission of extensive documentation. The process may also vary depending on the type of visa or permit required, and even the applicant's country of origin.

**Delays in processing applications:** Due to high volumes of applications, processing times for identity documents can vary, and may even take longer than expected. This can lead to frustration and uncertainty for migrants.

**Lack of transparency:** Some applicants may find it challenging to navigate the application process due to a lack of transparency in the decision-making process or unclear communication from Identity Malta.

**Limited customer service:** Migrants experience challenges in accessing support or assistance from Identity Malta. The agency can be difficult to contact, and there have been reports of long wait times and unresponsive staff.

**Application fee** it's worth noting the fee required in every application to be quite a lot especially if someone changes employment, where the initial payment is regarded as lost and one has to do initial payment, which in most cases also requires one to resubmit all the documents which had previously been submitted. This fee is usually €280.50

### 2.3.1.3 Consequences

It is important to note that throughout the years, immigrants have noticed an overall improvement of Identity Malta. However, the challenges previously mentioned come with their set of consequences – some of which are listed here below:

**Psychological distress:** The documentation application process can be stressful and can provoke anxiety, particularly for those who are facing uncertainty or have experienced trauma in their home country. The challenges faced when dealing with Identity Malta can exacerbate these feelings, leading to psychological distress and mental health problems.

**Reduced integration:** Difficulties to access appropriate identification documents can make it harder for migrants not only to integrate into Maltese society, but also to access essential services, such as healthcare and education.

**Social isolation:** Migrants who are waiting for their documentation application to be processed may feel socially isolated, particularly if they are not able to work or engage in community activities during this time. This can lead to feelings of loneliness, reduced opportunity for employment and disconnection from society.

**Risk of exploitation:** Some migrants may be vulnerable to exploitation by unscrupulous individuals or businesses who take advantage of their situation. This can include being charged exorbitant fees for their basic needs as accommodation or other services or being subjected to unfair labour practices.

## 2.3.2 Official foreign representations in Malta

### 2.3.2.1 Current situation

A less evident aspect of documentation challenge for immigrants in Malta is their ability to renew than home country documents, such as their passports. In such a situation, having a diplomatic representation of their home state is crucial.

As of now, Malta is host to 12 foreign embassies and 28 consulates. Whilst we acknowledge that the territory of Malta is limited in space – and can contain a limited number of diplomatic representations – the renewal of migrants' documentation creates various limitations and require extra effort.

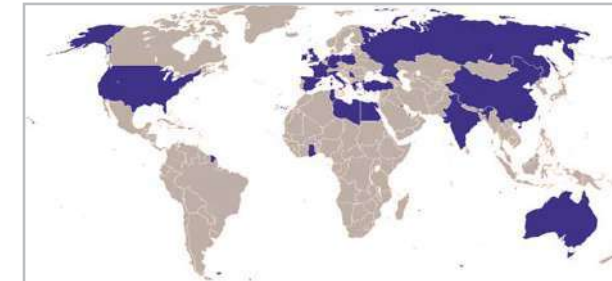


Figure 11: Map of diplomatic missions in Malta.

### 2.3.2.2 Challenges resulting from the current situation

A necessary condition to apply and/or renew a work permit in Malta is to provide the original and the copy of a valid passport (please refer to section 2.3.3.1). As outlined in earlier sections of this report, it is evident that a significant number of third country nationals have migrated to Malta for employment reasons.

The majority of third country nationals working in Malta are from the Asian, African and South American continent. Yet, except the Asian continent, there are very few diplomatic representations of the African and South American continent within the Maltese shores.

If the passport of a third country national is expired, and they have no diplomatic representation in Malta, their options are very limited. Their options are even more limited if they lose their passport or other official documents.

In the case of those whose passports are about to expire, the usual procedure is to travel overseas – usually to Rome, Italy – for the sole purpose of renewing documents. In other (fewer) cases, foreign states send a representative to Malta, who then collects all passports in need of renewal – and brings them back once they are renewed.

### 2.3.2.3 Consequences

Not having any diplomatic representation for the majority of third country nationals in Malta comes with their set of consequences. The main ones are listed here below:

**Difficulty in residing in Malta:** Obtaining an extension of visa or work permit in Malta depends directly on migrants' capacity of providing an available and a valid passport. Failure to meet that condition will jeopardize the immigrants' daily life conditions in Malta.

**Financial strain:** Renewal of passport often equates to traveling overseas. This can be time consuming and costly.

**Limited protection:** In the event of an emergency or crisis, the level of protection and assistance is definitely not the same as citizens of other countries with diplomatic representation in Malta.

**Limited possibility to travel:** For third country nationals, obtaining a visa is often necessary when traveling overseas. Typically, the visa is stamped in a valid passport page. As a result, it is important for the passport to be both valid and available. Without a valid or available passport, it is not possible to travel, even if the purpose of the trip is to renew the passport.



### 2.3.3 Employment of third country nationals in Malta

A major source of challenge regarding the documentation of third country nationals is the obtainment of the employment license. In this section, we focus on the employment conditions of third country nationals, as they constitute a considerable share of the workforce in Malta.

#### 2.3.3.1 Work permit requirements.

To apply for a single-work permit in Malta, third-country nationals must have a valid authorization to reside and work in the country. This can be in the form of a residence permit or a visa. Having the necessary authorization is a prerequisite for obtaining a work permit, and failure to meet this requirement may result in the application being rejected.

Work permit applicants are also required to present the following documents in their original formats:

- Completed CEA Form C (Non-EU) endorsed by the employer;
- Filled Form ID 1A and payment of €280.50;
- Copy of passport, including blank pages;
- Employer's letter explaining the need for the position;
- Supporting documents such as contracts and work sites;
- Signed work contract between applicant and employer;
- Filled position description and signed by both employer and applicant;
- Applicant's signed CV;
- Proof of efforts of searches made for Maltese/EEA/Swiss candidates for this post
- Qualifications of the applicant with recognition from MQRIC
- Reference letters and Declaration of Suitability
- Comprehensive health-insurance policy
- Lease or purchase agreement of property with a Rental Declaration Form if renting

Once all the here-above documents are provided to Identity Malta, the work-permit application is officially kicked-off.

#### 2.3.3.2 challenges related to the work permit.

In this section, we will expose the challenges that arise once the work permit is granted to the applicants.

**Validity period:** In most cases, such a document is valid for a year – after which a renewal is necessary. In other words, each year, unless the employment contract is terminated, every applicant is to submit another application.

**End of validity:** As its appellation indicates, the work permit – or employment license – is a document that links its holder to their employer. The work permit stops being valid if the employer does not renew it or if the work contract has been terminated. Any employer change necessitates a new work permit for third country nationals.

**Application fee:** In most cases, work permit holders pay an annual fee of €280.50 – that is if there is no change of employer and if the employer does not cover some of the fee expenses. However, for those on a minimum wage (approximately €800.00 monthly), such fee can become a financial strain.

**Priority of employment:** Employers in Malta are obligated to prioritize hiring Maltese nationals, followed by EEA and Swiss candidates, before considering third country nationals. Although third country nationals recognize this priority, it can be difficult to occupy a job position that has been rejected by everyone else.

#### 2.3.3.3 Example of Geoffroy (alias):

Geoffroy was hired from Africa to work as an auditor in a company based in Malta. He relocated with his wife; he had a good salary. Nevertheless, he didn't pass the probation period and found himself jobless at once, with the urgency to find a job within 10 days.

He managed to secure another job, but that came after the 10 day- period and he was then living in an irregular situation. In order to avoid any possible arrest, he took a lawyer to defend his cause and spent his savings in legal fees, while at the same time, he had to find an affordable housing solution.

But most importantly, he had to exit the country to another non-EU country from where his new employer would start the hiring process.

By the time he left Malta, he had sold most of his belongings to survive and he decided not to come back to Malta.

#### 2.3.3.4 Consequences:

Here below are some consequences related to the work permit related challenges:

**Frequent application:** the high frequency of the work permit application increases the possibility of delays and / or rejection to the applicant. Also, the higher the frequency, the less hope there is in becoming a permanent resident of Malta.

**Additional fees:** If the permit holder changes employers, a new work permit application must be submitted, which could result in additional fees and paperwork.

**The 10-day rule:** If the work contract is terminated, the work permit becomes invalid, and the applicant must find a new job and apply for a new work permit within 10 working days. It is extremely challenging anyone to secure a new job within such a short timeframe.



**Risks of precariousness & irregular status:** Failure to find a job and apply for a new work permit within 10 days results in an irregular status in Malta. This means deportation can happen at any given time.

**Risk of exploitation:** Some migrants may be vulnerable to exploitation by unscrupulous individuals or businesses who take advantage of their situation. In some cases, business owners would not declare employing such migrants for the sole reason of not initiating the work permit proceedings. On the other hand, migrants, in need to sustain themselves, are more likely to accept such practice, as there is no other choice.

**It is a reality that Malta is now a multicultural and multi-racial country. The recent census of 2021 revealed that 1 in 4 residents is a foreigner.**

**The geographical position of the country has made it a de facto immigration country, but policies put in place by the authorities and possibilities by foreigners to navigate the administrative path of documentation are still quite problematic, as illustrated with some of the challenges described above.**

**Yet, it is clear that foreigners are here to stay, based on their growing number over the years. It is therefore a matter of urgency that the path to long-term residency and citizenship be envisioned in a clear way.**

**2.4 Long term integration**

As previously mentioned, the number of foreign nationals in Malta has been on the rise over the past years. In fact, we have encountered several third country nationals who have even been living in Malta for decades, but they were not granted any form of long-term resident status.

After speaking with them, it has become clear that obtaining long-term residency status can be a complex

process. In this section, we will expose the complexity related to the obtaining of long-term residency by third country nationals.

**2.4.1 Permanent residency**  
**2.4.1.1 Definition**

Permanent residency in Malta is a legal status granted to non-EU/EEA/Swiss nationals who have lived and legally resided in Malta for a continuous period of at least five years.

It grants the holder the right to stay in Malta indefinitely, work and study without the need for a work permit or student visa, access to social services, and the possibility of eventually obtaining Maltese citizenship.

**2.4.1.2 Requirements**

To apply for the permanent residence status, the applicant must provide documentary evidence to support their request. Such documentary evidence may include:

- A covering letter explaining the intentions of the applicant to apply for long-term residency status and the applicant's background in Malta, including information on the first settlement in Malta, the nature of stay throughout the years, and the existence of any family members.
- Chronological list of dates of arrivals and departures from the Schengen territory.
- Full copies of the passport/s used in the last five years prior to the submission of the application.
- Tax declarations of the last five years prior to the submission of the application, confirming that the applicant earned the national minimum wage with an additional 20% of the national minimum wage for each family member.
- A certificate by a warranted architect confirming that the applicant's accommodation is regarded as normal for a comparable family in Malta and

meets the standards established by the Housing Authority.

- Evidence of sickness insurance covering the applicant and all related family members where applicable.
- Evidence of integration measures, including but not limited to:
  - I Belong course provided by the Directorate for Human rights and Integration: confirmation of at least 100 hours of attendance and the achievement of an examination pass mark of at least 75%.
  - A pass mark of at least 65% in MQF Level 2 Maltese language certificate.
  - Documentation showing that the relevant course fees have been paid

**2.4.1.3 Challenges and effects**

When it comes to obtaining a permanent residence status in Malta, there are some challenges that are worth mentioning, as third country nationals. Some of them are listed here below:

**Stable employment in Malta:** Finding stable employment in Malta can be a challenge, as employers are required to prioritize Maltese and EU citizens for job vacancies. Securing a long term and stable employment can therefore be challenging for non-EU nationals.

**Income requirements:** A criteria necessary to obtain the long-term residency – or permanent residency – is the ability to have sufficient financial means. Often, third country nationals feel obligated to share an accommodation, as they do not have enough financial means to cater for the cost of living in Malta.

**Cap on number of applications:** There are limitations on the number of third-country nationals who can be

granted long-term residence status in Malta each year, which means that there is significant competition for these permits.

**Discretion of the Maltese government:** the Maltese government has the right to refuse applications for long-term residency without providing an explanation. This makes it challenging for applicants to understand why their applications were rejected and how they can improve their chances in the future.

**Realities:** Several third country nationals who had been living in Malta for over five years are not granted such status when they apply. This is despite having had the same employer for five years (with a regular income) and paying taxes and social security.

**2.4.1.4 Example of Demba K., applicant of permanent residency in Malta**

In this section, we will expose the case of Demba, a Senegalese born who had been living in Malta for the past seven years. The excerpt below is a paraphrase of his own testimony.

*I entered Malta in 2016 in an irregular way. Since then, I have worked hard and never had any incident with the police or even my employers. I have been working for my current employer for the past 5 years.*

*I left Senegal days after my son was born, and I came to Europe with the hopes of providing a better future for him. I could not bear the thought of him living in the same conditions as I grew up. Children are supposed to outgrow their parents' success, and I was determined to make sure my son had a future brighter than my childhood.*

*Therefore, I came to Malta, and have worked as hard as possible since then. I stayed away from trouble, and I made sure to keep a good relationship with everyone I have ever met.*





*Three weeks ago, I hired a lawyer to represent me, as I wanted to file for permanent residence status. I was hoping to finally bring my wife, and my son. I saw them last 7 years ago after my son was born.*

*Shortly after that, police officers came to arrest me at my workplace, in front of my colleagues to interrogate me. They kept me until my lawyer came for me. It was intimidating. In seven years, the police never interrogated me. But that day, they demanded to see my passport and my visa.*

*The following day, I left Malta and fled to Italy. I am still in shock. My employer is willing to sponsor me, so I still keep hope.*

#### 2.4.1.5 Consequences

Demba's story highlights the difficulties faced in obtaining legal residency status, even after years of working and contributing to society. The sudden arrest and interrogation by the police, despite a clean record and strong work history, demonstrate the vulnerability of irregular migrants in Malta.

Additionally, the police had not previously interrogated Demba in seven years, but suddenly chose to do so when he hired a lawyer and applied for permanent residency. Such proceedings were perceived as an attempt to intimidate him – and every other migrant.

Finally, there are deep feelings of hopelessness and uncertainty of the future amongst the migrants present on the Maltese soil. Such feeling is even more exacerbated for those that have witnessed Demba's arrest.

### 2.4.2 Housing and accommodation

#### 2.4.2.1 Requirements

A key requirement to be granted a permanent residency is to obtain a certificate by a warranted architect confirming that the applicant's accommodation is regarded as normal for a comparable family in Malta

and meets the standards established by the Housing Authority (please refer to section 2.4.1.2)

Obtaining such a certificate necessitates having decent and stable accommodation. However, one pressing issue faced by foreigners in Malta is the high prevalence of renting as their primary housing option, which often leads to vulnerability and exploitation at the hands of proprietors.

#### 2.4.2.2 Challenges

Due to their limited options, many foreigners in Malta are forced to accept unfavourable rental conditions, including exorbitant prices, substandard living conditions, and arbitrary eviction threats. This imbalanced power dynamics put the foreign at a huge disadvantage and at a risk of exploitation.

They may face discrimination or unfair treatment from property owners who exploit their lack of legal protection or knowledge of their rights. Language barriers, cultural differences, and the fear of potential repercussions further compound this power imbalance, should such tenants assert their rights.

In the scope of our research for this report, we have heard stories about foreigners being kicked out of their accommodation in Malta by unscrupulous landlords, with no court order. When reported to the police, the latter claimed there was nothing they could do, as it is a civil affair – not a criminal one. A typical example can be read on [this link](#).

Not to mention: evictions in such conditions often come after a cycle of "bullying", as landlords usually refuse to declare their secondary homes as rented – thus leading to tenants paying an inflated amount of money for other charges (e.g. water and electricity fees).

Such abuse is particularly amplified when a foreigner is undocumented. Landlords, very much aware of the uncertain legal status of such tenants, then often take advantage of the limited options

available to foreigners to seek redress and assert their rights within the legal framework.

**2.4.2.3 Consequences:**

These abuses not only violate the rights and dignity of individuals but also have wider implications for social cohesion and integration. When foreigners are subjected to mistreatment by landlords, it can undermine their sense of security and belonging in Malta.

It may hinder their ability to fully participate in society, contribute to the local economy, and establish meaningful connections with their communities.

**2.4.3 Citizenship**

**2.4.3.1 Definition**

Citizenship refers to the legal status of a person as a member of a particular country or state, entitling them to certain rights, privileges, and protections, as well as imposing certain duties and responsibilities.

Citizenship can confer a range of rights and benefits, such as the right to vote, the right to work and live in a country, and access to social services and public goods.

**2.4.3.2 Requirements**

As foreigners, we are aware of four ways to obtain Maltese citizenship. Those ways are by:

**Birth:** one of the parents of the born child is Maltese (by birth, naturalization or citizen) at the time of the child's birth

**Registration:** A person can obtain the Maltese citizenship by registration if they fall into one of the following categories:

- direct descendant of a Maltese national (prove they are a descendant of a Maltese national in a direct line)

- former citizen of Malta (by birth, registration or naturalization),
- spouse of a Maltese citizen (minimum of 5 years of marriage, and still married and living with them at the time of the application),
- widower or widow of a Maltese citizen (was married for at least 5 years to a now deceased Maltese national)

**Naturalization:** This is the path for any foreigners who had been residing in Malta for a minimum of five years at the time of their application to become a Maltese citizen.

**Exceptional services by direct investment:** Investors can become Maltese citizens after having a residency status for one year. Investments in such cases range from € 600,000 and € 750,000. This represents the quickest route to acquiring Maltese citizenship. During the processing of the application, these individuals are not required to reside in Malta.

The required documents to obtain citizenship in Malta vary based on the specific criteria of the application. The applicant must complete an application form, pay the relevant fee, and provide supporting documentation.

This documentation may include government-issued identification, birth certificates, and documents related to the applicant's lineage, such as parents' or grandparents' birth or marriage certificates, or adoption records.

Furthermore, the applicant must have at least two sponsors, one of whom must be a lawyer, judge, Member of Parliament, senior law enforcement officer, or priest. The other sponsor may be any Maltese citizen who does not fall under the aforementioned categories.

**2.4.3.3 Challenges**

The conditions to access Maltese citizenship by birth and registration are quite straightforward. If one is capable of providing proof through the documentation, then citizenship is granted.

**Financial strain vs. financial power:** citizenship through investment in Malta typically involves a significant financial commitment. The applicant is required to make substantial investments in the Maltese economy, such as purchasing property, donating to charities, etc. Such requirements constitute financial challenges for the majority of third country nationals living in Malta.

**Integration in society vs. lack of thereof:** Investment-based applicants for citizenship are not required to reside in Malta during the application process, yet they have higher chances of obtaining citizenship compared to those who have been residing in Malta for an extended period. The latter group is typically more familiar with Maltese culture and way of life, and they have integrated into the local society. This creates a perception of social injustice, as they feel that investors can simply purchase citizenship without truly integrating into Maltese society.

**Discretion of the Maltese government:** The Maltese government holds discretionary power in granting citizenship, and they have the authority to reject applications without providing a detailed explanation. This lack of transparency can pose challenges for applicants, as they may not have a clear understanding of the reasons behind the rejection.

**2.4.3.4 Consequences**

The denial of Maltese citizenship to third country nationals can result in a range of significant consequences, restricting their access to various rights and benefits. These limitations include the inability to

participate in national elections and hold certain public offices, as well as facing restrictions on their freedom to travel within the European Union.

Furthermore, the absence of citizenship may subject individuals to immigration restrictions, making it challenging to secure employment or pursue educational opportunities. This creates significant barriers to their full integration into Maltese society and hinder their ability to participate fully in social, economic, and political aspects of community life.

**2.4.4 Marriage**

**2.4.4.1 Example of Fred (alias)**

Fred, who arrived irregularly in Malta over 15 years ago, formed a strong bond with the country through his marriage to a Maltese woman and the establishment of a family. This union provided Fred, previously an asylum seeker, with the opportunity to experience the stability and benefits of being a legal citizen. He successfully built a business and made significant contributions to Malta's economy. Additionally, he invested in his marriage and had a child with his wife.

However, after four years of marriage, Fred and his wife went through an involuntary divorce, requiring a legal process to determine the division of assets and the rights of their child. Unfortunately, this happened just a year before Fred was eligible to apply for Maltese citizenship, resulting in him losing everything he had built.

The response from Maltese authorities was disconcerting. Fred's residency status was abruptly revoked, leaving him facing the imminent threat of deportation to his home country in Africa. Overnight, he went from being a long-term resident with full rights to becoming undocumented.

Custody of his child was granted to his ex-wife, his assets were frozen, and he was instructed to return to his country of origin. The authorities seemed to suggest that his presence in Malta had no significance without the marriage.



Fred was essentially told that his feelings for his child did not matter and that his hard work as a businessperson was rendered meaningless. Through the enforcement of the letter of the law, an undocumented person is perceived as devoid of suffering, love, and tears.

Despite these challenges, Fred summoned all his strength and resilience to fight back and secure the right to remain in Malta. He currently holds a 12-month permit to stay, which needs to be renewed annually.

2.4.4.2 Consequences

Instances like Fred’s case serve as examples that depict the cruelty of the legal system in Malta against foreigners, particularly those seeking asylum.

The treatment reserved to someone who has formed a relationship, built a family, and contributed to Maltese society raises questions about the fairness and compassion exhibited by the authorities. Such experience has come with its set of considerable consequences. Listed below are some of them:

**Start from scratch:** the humanitarian status he was granted at his arrival in Malta does not exist anymore. So he was back to being undocumented.

**Sentiment of cancellation:** The sudden removal of someone’s permanent residential status can disrupt the sense of identity, belonging, and stability in the place they once called home. It also comes with practical challenges, such as restricted access to rights, benefits, and opportunities that were previously available to them.

**Risk of deportation:** due to his status of undocumented alien, there is a risk of deportation. Not to mention the social isolation and the emotional distress.

**No recognition of his contribution to the Maltese society:** It is important to note that in this particular case, Fred is a business owner. He has been running his own company for years. In addition, he was a board member of an NGO in Malta, which advocates for a better integration of foreign communities. Per law, because of the removal of his permanent residence status, he could no longer be a member of the aforementioned NGO.

**Family division:** This gentleman is not only the father of a Maltese citizen but also of another resident of Malta. The possibility of being deported puts him at risk of being separated from his children at any given time.

Though we have exposed a number of difficulties faced by legal foreigners residing in Malta, it would be unfair not to shed some light on the hurdles faced by international protection seekers. This is because Malta is host to a considerable number of foreigners falling under the category of international protection seekers.

In the following section of this report, we will focus exclusively on the experiences of international protection seekers in Malta. We will examine the specific challenges they encounter throughout the including the effectiveness of the international protection system.

3. International Protection seekers

3.1 Scope and definitions

In this section, we will specifically expose the situations of a category of migrants under international protection.

Exposing the situation amongst certain groups International Protection seekers was deemed necessary as they represent a considerable share of the migrant population in Malta.

For the purpose of this report, the following categories are considered as such:

**Asylum seekers:** Individuals who have fled from their home country to seek protection from persecution and/or serious harm in another country. In other words, they are seeking the refugee status.

**Individuals who were denied asylum:** These are individuals who have applied for asylum in a state foreign to their home state, to no avail.

**Subsidiary protection:** Subsidiary protection is a form of protection granted to individuals who do not qualify as refugees but would still face serious harm if returned to their home country.

3.2 Benefits and challenges

On the one hand, those who are granted the statuses of refugee and subsidiary protection may enjoy the following conditions:

- Obtain a renewable residence permit for three years to stay in Malta with freedom of movement

- Receive a Travel Document to leave and return to Malta without a visa, except when detained or imprisoned
- Access employment, social welfare, housing, integration programs, education, training, and medical care provided by the State of Malta.
- Receive adequate healthcare, especially if they are considered vulnerable persons.
- Family members of individuals granted subsidiary protection in Malta have the same rights and benefits to maintain family unity.

On the other hand, it is important to note that the majority of asylum and subsidiary protection applications are denied in Malta, as illustrated here below.

Malta’s rate of rejecting asylum requests has shot up more than sevenfold since 2016

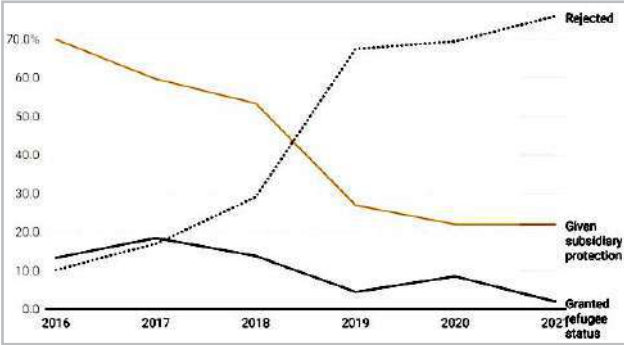


Figure 12: Decision rate regarding asylum application



Indeed: when such applicants' applications are rejected, the applicants become irregular aliens and are expected to leave the State. If they fail to leave voluntarily, they may be subject to deportation or other forms of enforcement action.

However, it is important to note that they are often forced to find irregular ways to leave the State. And when caught, they are placed in detention. In other words, they are in an irregular situation in Malta, yet they cannot voluntarily and legally leave. Such situations can cause emotional distress.

Individuals who were denied asylum or subsidiary protection have the right to appeal the decision through a legal process. If they are successful in their appeal, they will be allowed to stay in Malta on humanitarian grounds. Nonetheless, winning and appeal is regarded as an exception, rather than a rule.

Finally it is important to note that individuals whose asylum applications have been rejected often face significant challenges in Malta, including restrictions on healthcare, social welfare and other services.

A typical example of such distress can be found in the following section, where we will expose the story of a young woman who gave birth shortly after she was denied asylum in Malta.

### 3.3 Situation of Statelessness

#### 3.3.1 Definition and state of affairs

Statelessness refers to the situation where an individual is not recognized as a citizen by any country, leaving them without legal protection and access to basic rights.

The 2021 census revealed that there are 171 stateless individuals residing in Malta.

#### 3.3.2 Testimonies

While preparing for this report, the Steering committee have come across three other stories that are worth sharing.

##### 3.3.2.1 First testimony of statelessness

A mother whose asylum application was denied. Shortly after the rejection of her application, she gave birth.

Years after the giving birth, the baby is still with no birth certificate, and no citizenship. In other words, the child is stateless.

She cannot access her home country's embassy (located in Italy) to declare the birth, and she cannot legally leave Malta.

Officially, that child does not exist. To our knowledge, there is no law in the Maltese legislation to cater for Statelessness of a child.

##### 3.3.2.2 Second testimony of statelessness

After completing her studies in Malta, a young woman found love and got married. She and her husband are now proud parents of two children. However, their situation took a difficult turn.

While her husband was granted the Specific Residence Authorization (SRA), a document available to asylum seekers who arrived irregularly before 2016 and demonstrated stability and employment records for at least 5 years, the woman and her children did not meet the criteria.

The fact that the woman had entered Malta through **regular** channels excluded her and the children from the SRA that her husband received.

Previously, the family had been protected under the Temporary Humanitarian Protection new (THPn) status, but unfortunately, the government dismantled this protection and replaced it with the SRA, which did not cover the woman and her children.

Consequently, they suddenly found themselves without valid documentation, placing them at risk of deportation.



### 3.3.2.3 Destiny's story of the contested Dublin Rule

Destiny is a holder of an Italian residence permit document who has been working in Malta for the past few years. Though he is grateful for the opportunity to earn a living, he faces a constant struggle to maintain his legal status in Malta.

This is because Destiny's resident permit document was issued by Italy, where he first sought asylum. This means that once and often, he must return to Italy to renew the aforementioned identity document. It is a costly and time-consuming process, but he has no other choice: if he fails to renew his document, he could be deported.

While Destiny is highly appreciated by his employer in Malta, the latter cannot declare him because of the Dublin Regulation that ties asylum seekers to their country of entry in EU territory. A revised policy would allow him to stay in Malta without having to renew his document every few months.

Despite these challenges, Destiny remains hopeful that someday, he will be able to obtain a more permanent status in Malta and finally be able to live without fear of deportation.

### 3.3.3 Analyses

Giving birth implies a long-term vision for the parent and for the child. Such long-term implication is even more significant for individuals who are in an irregular situation, particularly if they are unable to regularize their status.

Indeed, when someone gives birth while in an irregular situation, it can have a profound impact on their circumstances. The birth of a child in such circumstances adds complexity to the long-term plan and legal status of the parent.

The more people in irregular situations, the greater the likelihood of this population growing through births. Furthermore, it is important to note that international law prohibits statelessness, recognizing the fundamental right to a nationality and legal identity.

Therefore, it is essential for Maltese legislation to include provisions that identify and address cases of statelessness, ensuring that appropriate measures are in place to protect the rights and well-being of affected individuals, as well as limiting the growth of irregular populations.

Dublin Regulation is not less of an issue. It has separated family members and prevented many from being reunited. Moreover, it hinders the possibilities of qualified migrants to take advantage of working opportunities across Europe.

### 3.4 Consequences

Whether it is because of a rejected asylum application, or even statelessness, being in an irregular situation has a great impact on individuals. Some consequences of that impact include:

**No legal identity:** Stateless individuals do not have any legal identity, making it difficult or impossible to obtain a passport, driver's license, or other identification documents. This can also make it difficult to access services such as banking or housing.

**Limited access to basic human rights:** A rejected asylum applicant can possibly be denied access to basic human rights such as education, healthcare, social welfare, etc.

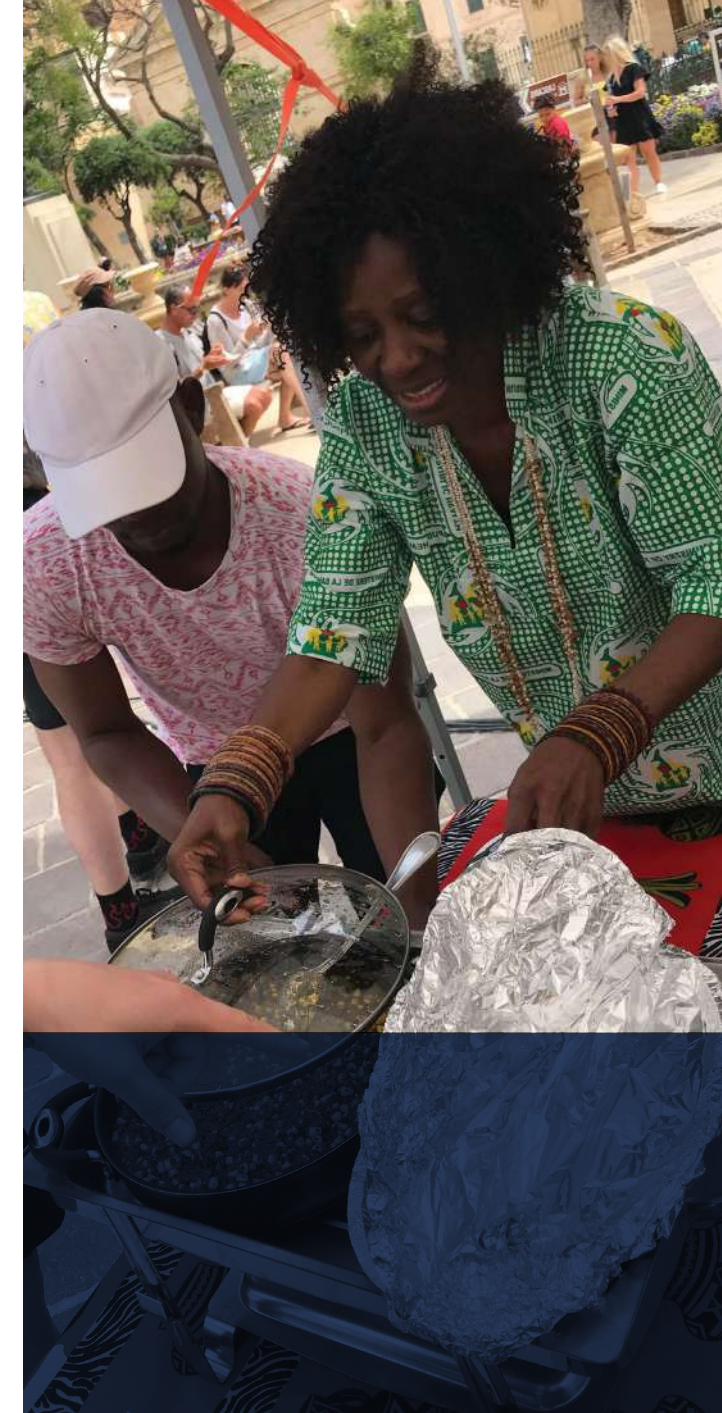
**Restricted movement:** These individuals do not have a valid passport or other travel documents, which can restrict their ability to travel internationally or even within their own country.

**Vulnerability to exploitation:** They may be more vulnerable to exploitation by employers, traffickers, or others who may take advantage of their lack of legal status.

**No sense of belonging:** Being denied identity documents and recognition often leave the concerned individuals with feelings of isolation, exclusion, a sentiment of non-existence and without a sense of belonging.

**Whilst acknowledging the significance of the challenges previously outlined, it is imperative to address the concerns faced by foreigners residing in Malta and propose recommendations to improve their experiences and ensure a smoother transition process.**

**In the following section, we will outline a set of recommendations aimed at mitigating the challenges encountered by foreigners during their transit and documentation processes in Malta. These recommendations will also aim to foster a more inclusive environment in Malta.**



## 4. Recommendations

### 4.1 Intro

In this section, we will explore the recommendations derived from migrants who have personally encountered the challenges associated with documentation. These recommendations carry significant importance, not only for individual migrants but also for the Maltese society.

Indeed: by actively listening and addressing the concerns and needs expressed by migrants, their well-being can be enhanced, their rights can be upheld, and a more inclusive and equitable society can be fostered.

By acknowledging and implementing these recommendations, policymakers, authorities, and relevant stakeholders can pave the way for more efficient and equitable systems that promote the well-being and integration of third country nationals within Malta.

Evidently, the recommendations listed here below will be beneficial to the third country nationals if implemented. However, it is also crucial to outline that these suggestions will also be profitable to the Maltese society as a whole.

### 4.2 Regularization programs

Establishing a streamlined and accessible pathway to regularization for undocumented migrants is of paramount importance and definitely beneficial – both for undocumented migrants but also the Maltese society as a whole – for several reasons.

On the one hand, it is clear that undocumented migrants are already present in the society and the Maltese society is aware of their contribution to the community, economy, and even socio-cultural aspects. By providing them with an opportunity to regularize their status, it enables them to fully participate in society, access essential services, and contribute legally and openly.

On the other hand, migrants believe that the Maltese society would benefit significantly from regularizing them. Indeed:

When individuals have the opportunity to obtain legal status, they are more likely to invest in their communities, contribute to the local economy, and engage in positive social interactions. This, in turn, strengthens community bonds and enhances social harmony.

Additionally, regularizing the status of undocumented migrants can help address labour market needs and skills gaps. Many undocumented migrants possess valuable skills and work experience but may face barriers due to their legal status. By allowing them to regularize their status, the Maltese society can tap into this pool of talent, boosting economic growth and productivity.

Finally, providing a pathway to regularization sends a message of fairness and compassion. It recognizes the human rights of undocumented migrants and acknowledges their inherent dignity. It aligns with principles of equality and social justice, creating a more humane and inclusive society.

### 4.3 Advocacy for policy changes

By advocating for policy changes, elected officials, activists and lawmakers can raise awareness about the existing issues, mobilize support, and drive the necessary reforms to create a more inclusive and effective system. Indeed:

Advocacy can shed light on the specific challenges faced by individuals in obtaining documentation, such as lengthy processes, limited access to information, or inadequate resources. By highlighting these issues, advocates can bring them to the attention of policymakers, urging them to take action and implement necessary reforms.

In addition, advocating for policy changes can promote the rights of individuals and ensure that their voices are heard in decision-making processes. It can empower affected communities to share their experiences, concerns, and recommendations, thus fostering a participatory approach to policy development. This, in turn, can lead to more responsive and effective policies that address the real needs and aspirations of the people affected by documentation challenges.

Moreover, improved policies and procedures regarding documentation challenges can eventually attract skilled migrants, investors, and businesses, further contributing to economic growth and development. This will be a foundation for a society where all individuals feel valued and included.

Finally, advocacy for policy changes aligns with Malta's commitment to international human rights standards and conventions. It demonstrates Malta's dedication to fulfilling its obligations and promoting equality, non-discrimination, and the protection of human rights.

### 4.4 Extension of the ten-day grace period

The Steering Committee recommends a review of the ten-calendar day period for change of job or employer. Many third country nationals have been subjected to various degrees of abuse because of this short grace period, as it has been increasingly difficult to secure a new employment within the ten days. Extending the period of ten days for third country nationals to find a new job in Malta can bring several benefits for both the workers and the country itself.

For third country national workers, an extended timeframe would provide them with more time to search for suitable employment opportunities. This would reduce the pressure and stress associated with finding a job within a limited period, allowing them to explore a wider range of options, consider different industries, and make informed decisions about their career paths.

It would also provide an opportunity for such workers to acquire new skills or undergo training programs that could enhance their employability – ultimately increasing their chances of securing stable and sustainable employment.

Furthermore, extending the timeframe can have positive economic implications for Malta. By granting third country nationals more time to secure employment, it increases the likelihood of them finding suitable jobs that match their skills and qualifications.

This, in turn, can lead to greater job satisfaction and productivity, benefiting both the workers and the Maltese economy. It also reduces the risk of individuals being pushed into informal or exploitative work, fostering fair labour practices and ensuring that workers are adequately protected.

Finally, increasing the ten-day period will help alleviate the pressure employers may feel into filing for the work permit for a new recruit.



#### 4.5 Housing and accommodation

It is essential to combine efforts to improve documentation processes with robust measures aimed at protecting tenants and raising awareness. Strengthening tenant rights, expanding legal avenues for seeking redress, and educating foreigners about their rights as tenants are vital in the fight against landlord abuse and the establishment of a more just and respectful living environment for all foreign residents in Malta.

By improving the transparency and accessibility of the documentation process and implementing comprehensive measures to protect tenants, the risk of landlord abuse and exploitation can be significantly diminished. This, in turn, would contribute to the development of a rental market that upholds fairness, inclusivity, and the rights and dignity of all residents, regardless of their nationality or legal status.

#### 4.6 Detect, prevent and cater for statelessness

Malta's commitment to preventing and reducing statelessness is reinforced by its adherence to international human rights norms, as outlined in the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Through the implementation of effective detection mechanisms, Malta can proactively identify individuals who may be at risk of statelessness and take the necessary measures to prevent it. Such measures are important because statelessness can create a marginalized and disenfranchised population, which may be susceptible to exploitation, radicalization, or social unrest.

By providing pathways to identify and address statelessness, Malta mitigates these risks, thus fostering a harmonious society where not only everyone's fundamental rights are protected, but each individual has equal opportunities to thrive and contribute to the society.

#### 4.7 Public education, outreach and awareness

Public education, outreach, and awareness are crucial elements in improving the documentation process for foreign communities in Malta. Firstly, raising awareness among the Maltese public about the challenges and experiences of migrants regarding documentation helps building a more inclusive society.

Moreover, promoting awareness among both the Maltese public and migrants creates a friendlier environment for foreign communities. It encourages dialogue, mutual respect and a better social cohesion, whilst contributing to the dismantling stereotypes and prejudices that may arise from a lack of awareness.

In addition, outreach and education initiatives targeted towards migrants themselves play a pivotal role in empowering them with knowledge about their rights, responsibilities, and the available documentation processes.

Foreigners may be unaware of the legal requirements or available resources, leading to difficulties in obtaining proper documentation. By providing clear and accessible information, migrants can navigate the system more effectively and make informed decisions regarding their documentation status.

Finally, public education and outreach campaigns facilitate greater cooperation and collaboration between migrant communities and relevant authorities. Building trust and mutual understanding between migrants and government institutions is essential.

Such trust helps ensure that the documentation process is fair, transparent, and inclusive. It encourages migrants to actively engage with the process and contribute to their own integration within Maltese society.

#### 4.8 More transparency

Previously, we have established that despite providing all the necessary documents to obtain a permanent residency or the Maltese citizenship, the final decision remains at the discretion of the relevant minister – who is not obligated to provide for a justification in case of denial. The foreign community views such discretion as a lack of transparency.

As a result, our recommendation is for the Maltese government to become more transparent to foreigners regarding documentation processes for several reasons. Firstly, transparency fosters trust and confidence between the foreign residents and the governmental entities.

Indeed, when the documentation processes are clear, accessible, and transparent, it reduces uncertainty and anxiety for foreigners, allowing them to better understand their rights, obligations, and the steps required to obtain the necessary documentation.

Furthermore, transparent documentation processes contribute to efficient and effective administration, thus reducing unnecessary delays and administrative burdens. This helps prevent arbitrary decision-making and discriminatory practices.

Additionally, transparency in documentation processes aligns with principles of good governance and respect for human rights. It upholds the principles of fairness, equality, and non-discrimination, ensuring that individuals are treated fairly and equally in their interactions with the government.



4.9 Standardization

Standardization plays a crucial role in the documentation process by ensuring consistency, transparency, and reliability. Recommending a standardization of the process is because foreign individuals will be receiving conflicting information from Identity Malta during their documentation journey.

Standardizing of the documentation process minimizes the potential for discrepancies or inconsistencies in the information provided to individuals. This promotes fairness and equal treatment for all applicants, regardless of their background or circumstances, enhancing the overall credibility and efficiency of the system.

Moreover, when there is a standardized procedure to obtain documentation, individuals have a better understanding of what is expected from them during the documentation process. This reduces the chances of misunderstandings or incorrect information being given.

Finally, standardization enables better coordination and allocation of resources. It also allows the authorities responsible for documentation, such as Identity Malta, to provide adequate training and support to their staff.

In other words, the personnel would have the necessary knowledge and expertise to assist individuals accurately and consistently, including through customer service.

4.10 Family reunification for refugees

The Dublin Regulation, which governs the responsibility for examining asylum claims in the European Union (EU), has been a subject of debate and calls for review. One key aspect that warrants reconsideration is the restriction on refugees' ability to move to another

EU country where they have family ties or better job prospects.

Allowing refugees to exercise greater mobility across countries would bring significant benefits for both refugees and states. Firstly, reviewing the Dublin Regulation to facilitate family reunification would uphold the fundamental human right to family life.

For refugees, being able to reunite with their family members in another country provides a sense of security, emotional support, and a better chance at rebuilding their lives. It alleviates the psychological burden of separation and promotes social cohesion within families.

Moreover, allowing refugees to move to countries with better job prospects would enable them to contribute to the labour market and society more effectively. Many refugees possess valuable skills, qualifications, and experiences that can benefit their host countries.

By granting them the freedom to seek employment in countries where their skills are in demand, the labour market can be enriched, addressing skills gaps and fostering economic growth. This can lead to reduced dependency on social welfare systems and a more self-sufficient refugee population.

Additionally, greater mobility for refugees can promote equitable distribution of asylum seekers across the EU. The current system places a disproportionate burden on certain member states, leading to overcrowded reception centres and strains on resources.

Allowing refugees to move to countries where they have family ties or better job prospects would distribute the responsibility more evenly, ensuring a fairer sharing of the challenges associated with hosting refugees.

Conclusion

In summary, this report has demonstrated that documentation processes in Malta can either provide opportunities or create obstacles for migrants.

From one perspective, the right identity documentation provide advantages such as:

- 1. The ability for immigrants to legally reside and work in their host country. This allows them to access employment opportunities, secure housing, and establish a sense of stability.
- 2. Access to essential services such as healthcare, education, and social welfare benefits, which are crucial for their well-being and integration into society.
- 3. A sense of security and protection. Migrants with legal status are less vulnerable to exploitation, as they have legal rights and can seek recourse if their rights are violated.
- 4. The possibility to assert their labour rights, receive fair wages, and have access to legal channels for dispute resolution. This enhances their overall safety and reduces their susceptibility to abuse, discrimination, or arbitrary detention.
- 5. The ability to move freely within the country and potentially internationally, allowing for family reunification and the ability to visit their home countries.

From another perspective, the lack of proper identity documentation triggers its set of obstacles, namely:

- 6. Without valid papers, they often live in constant fear of being discovered by immigration authorities and face the risk of detection, detention and

deportation. This fear of detention and forced removal restricts their freedom of movement and leads to a constant state of anxiety and insecurity.

- 7. Migrants lacking proper documentation may also be afraid to seek help or report crimes for fear of being detained, deported, or punished. This can lead to social isolation and exclusion from community life.
- 8. Without documentation, migrants may encounter significant barriers in accessing basic services and rights. They may be denied healthcare, education, and social welfare benefits, leaving them in vulnerable and precarious situations.
- 9. The lack of proper documentation also hampers migrants' employment prospects. Many employers require valid work permits or legal status, making it difficult for undocumented migrants to secure formal employment. As a result, they are often pushed into the informal labour market, where they are exposed to poor and exploitative working conditions, low wages, and a lack of employment protections.
- 10. Undocumented migrants may face challenges in establishing their identity and proving their qualifications. Without official documents, they may encounter obstacles in obtaining recognition of their educational credentials or professional qualifications, limiting their opportunities for career advancement.

Creating an efficient and accessible process for undocumented migrants to regularize their status is crucial and highly advantageous for both the migrants themselves and Maltese society as a whole.

Regardless of their documentation status, third country citizens residing de facto in Malta are already





part of society and they undoubtedly contribute to the growth of the Maltese economy, and to the popularity of the Maltese socio-cultural aspects.

By creating an efficient, transparent and standardized access to a long-term residence status, citizenship and / or legalization of their status, such citizens will be able fully participate in society, access essential services, and contribute openly and lawfully.

Indeed, the undocumented migrant communities believe that regularizing their status would bring significant benefits to Maltese society. When individuals have legal status, they are more inclined to invest in their communities and engage in positive social interactions. This strengthens community ties and promotes social harmony.

Facilitating the documentation process can also help address labour market needs and fill skills gaps. In fact, several Malta-residing foreigners possess valuable skills and work experience, but the challenges they encounter with the difficult and non-transparent documentation processes often hinders their opportunities, as well as Malta's growth capability.

By reducing – if not eliminating these challenges – Malta can utilize and can benefit from migrants' talents, leading to an even greater economic growth, an increased productivity and an even better quality of life.

Embracing and implementing the recommendations exposed in this report will empower Malta into creating a more inclusive society, protecting fundamental rights, and fostering economic growth, whilst upholding its commitment to international human rights standards.



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