

**Immigration Appeals Board  
Division 1**

Location:	109, Old Mint Str., Valletta	Date of Sitting: 5 <sup>th</sup> November 2021	Restricted
Attendees:	Dr Juliana Scerri Ferrante Dr Andre Borg Dr Mario Mifsud	Chairperson Member Member	
Attendees:	Dr Alexis Galand Arman Mia Lara Butters Piyali Sarkar	Legal Advisor Appellant Inspector Interpretor	
Category		DO/547/21	
Nationality		Bangladesh	
Appeal	<p>Inspector Lara Butters under oath declares that the appellant arrived in Malta by boat on the 14.02.2020. Upon his arrival he declared he is from Bangladesh, born on the 10.05.1997 a PD Form is being presented and marked as LB1.</p> <p>On the 25<sup>th</sup> of January 2021 there was a decision from IPAT and the application for asylum made by the appellants was decided as manifestly unfounded. On the 01.02.2021 the appellant was notified with the decision and the RO marked as LB2. The appellant has been informed that in the 23.06.2021 the age assessment was concluded and resulted that he is not a minor.</p> <p>Upon interrogation by the Board the appellant declared that he was born on the 10<sup>th</sup> of May 2006.</p>		

	<p>The defence insists that the appellant was submitted to an age assessment after the Court ex officio wished to carry out the age assessment as the appellant looked young. Doc AG 1 is the decision. The age assessment of AWAS is being presented as Doc AG2 U Doc AG3.</p>
<b>Decision of this sitting</b>	<p>The Board has been presented with a removal order of a person who has appealed from an age assessment where it was declared that he is a 24 year old adult. In a RO an appellant is released against a guarantee. Since in this case the Board is in doubt as to whether the appellant is a minor or an adult, but on the other hand cannot visibly conclude that the appellant is 15, the Board considers that there are sufficient grounds to believe that the appellant could be a minor and should therefore be released pending the result of the age assessment appeal.</p> <p>The appellant is to be released under the following conditions. In view that the appellant insists that he is a minor, the conditions of bail have to be supervised by an adult who must have care and custody of the appellant. The Board upholds the request for the release subject to a care and custody order in favour of the appellant issued by the relevant authority.</p> <p>The person/guardian who will have care and custody of the appellant is to accompany the appellant to the Police station to sign every Friday from 7:00am – 7:00pm. The Board is also to be informed of the address as the where the appellant will be residing and must immediately inform the authorities if appellant goes missing.</p> <p>The Board is to be immediately informed of the outcome of the appeal of the age assessment.</p> <p>Following a sitting held on the 3<sup>rd</sup> of December 2021 the decision of the sitting was updated to reflect the following correction as ordered by the Board:</p> <p>The Board discussed the Bail decision given on the 5.11.2021 and observes that by lapsus the condition of depositing Euro 1000 was omitted. Thus, to add on to the previous decision, the person taking full care and</p>

	<p>custody of the appellant is to deposit the amount of Euro 1000 as a guarantee. Such deposit will be lost is there will be any breach of the conditions stated therein.</p> <p><a href="mailto:Lara.butters@gov.mt">Lara.butters@gov.mt</a></p> <p><a href="mailto:alexisgaland@aditus.org.mt">alexisgaland@aditus.org.mt</a></p>
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