



## THE ASYLUM APPEAL

The asylum appeal gives you a second chance to present your story and to explain why you are afraid of being sent back to your country of origin. Your appeal will be received and heard by the Refugee Appeals Board (RAB).

### WHAT IS THE REFUGEE APPEALS BOARD (RAB)?

The Refugee Appeals Board is a tribunal (similar to a court but not so formal) established to hear asylum appeals. It is composed of four persons. The office of the Board is situated at:

**Refugee Appeals Board,  
109 Old Mint Street,  
Valletta**

### WHO CAN APPEAL?

You can appeal the decision of the Office of the Refugee Commissioner (RefCom) before the RAB, when:

- you feel your application is wrongly rejected; or
- you are granted Subsidiary Protection but you believe you should be recognised as a refugee;
- you are provided a decision under the **Dublin** Regulation in order to transfer you to another European Union Member State and you don't agree with this decision<sup>1</sup>.

<sup>1</sup> See FACTSHEET NO 20: THE DUBLIN PROCEDURE ([http://aditus.org.mt/Publications/factsheet20\\_dublinprocedure.pdf](http://aditus.org.mt/Publications/factsheet20_dublinprocedure.pdf)).





**HOW AND WHEN SHOULD I APPEAL?**

If you want to appeal RefCom's decision, you have **2 weeks** to inform the RAB and register your appeal application. These 2 weeks start to run from the day you receive/collect the written decision and **not** from the date of the decision itself.

It is important for you to remember that the RAB does not accept late appeals, so be sure you file the appeal application as soon as possible. Contact a Supporting Organisation for assistance with how to do this<sup>2</sup>.

Once your appeal is registered, you are usually given approximately 3 weeks to prepare the actual appeal submissions. It is here that you, or anyone assisting you, will have the opportunity to explain why you disagree with RefCom's decision and why you feel the decision should be changed.

**MAY I USE A LAWYER FOR MY APPEAL PROCESS?**

For your appeal, you have the right to **free legal assistance** throughout the procedure. Free legal assistance includes preparation of the appeal submissions and also attendance at any hearing(s) you might have before the Board.

If you want to ask for this free legal assistance, you should say so in your appeal application to the RAB. When you do so, your request will be sent to Legal Aid Malta, the national legal aid agency. This agency will then assign a legal aid lawyer to your case. You will receive a letter informing you of where and when you will meet the lawyer for your first appointment.

Alternatively, you may choose to be represented by a private lawyer at your own expenses or seek the assistance of a Supporting Organisation.

**WHAT IS MY SITUATION DURING THE APPEAL PROCEDURE?**

You remain an asylum-seeker until the Refugee Appeals Board takes a final decision on your case<sup>3</sup>. When you give the RAB your appeal application, it will give you a certificate stating that you are still an asylum-seeker. This certificate will be renewed every 3 months until the final decision, allowing you to remain in Malta throughout the procedure.

**IMPORTANT:** If you change your address during the appeal procedure, do not forget to inform the Board as it needs your address to send you notifications and decisions.

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<sup>2</sup> See FACTSHEET NO 21: SUPPORTING ORGANISATIONS  
([http://aditus.org.mt/Publications/factsheet21\\_supportingorganisations.pdf](http://aditus.org.mt/Publications/factsheet21_supportingorganisations.pdf)).

<sup>3</sup> See FACTSHEET NO 15: ASYLUM-SEEKERS' ENTITLEMENTS  
([http://aditus.org.mt/Publications/factsheet15\\_rightsapplicants.pdf](http://aditus.org.mt/Publications/factsheet15_rightsapplicants.pdf)).



**WHEN AND  
HOW WILL I  
RECEIVE THE  
FINAL  
DECISION?**

There is no time limit set in law for the Board to take a decision. It could take some weeks or some months. Once you receive or collect the decision, this is the end of the asylum procedure.

If the Board grants you international protection (refugee status or subsidiary protection), you will have the right to remain in Malta and enjoy a set of rights<sup>4</sup>. RefCom will issue a protection card for you and, with this, you will be able to apply for a residence permit from Identity Malta valid for three years, renewable.

If the Board confirms RefCom's decision and rejects your application, you will no longer be an asylum-seeker and will be required to leave Malta. Action may then be taken against you to be sure that you are returned, including arrest and detention.

**Need more info? Contact aditus on +356 2010 6295 | [www.aditus.org.mt](http://www.aditus.org.mt) | [info@aditus.org.mt](mailto:info@aditus.org.mt)**

<sup>4</sup> See FACTSHEET NO 14: RIGHTS ATTACHED TO BENEFICIARIES OF INTERNATIONAL PROTECTION ([http://aditus.org.mt/Publications/factsheet14\\_rightsinternationprotection.pdf](http://aditus.org.mt/Publications/factsheet14_rightsinternationprotection.pdf)).



Asylum, Migration and Integration Fund  
Project is part-financed by the European Union  
Co-financing rate: 75% EU Funds; 25% Beneficiary Funds  
Sustainable Management of Migration Flows

