

**Questionnaire of the Special Rapporteur on the human rights of migrants:
pushback practices and their impact on the human rights of migrants**

Feedback of the Government of Malta

1. Please provide information on any relevant legislation or policy in relation to the right to seek and enjoy asylum in your country, which guarantees that migrants including asylum seekers' protection needs are examined individually, and they are not pushed back at the international border without access to this assessment and other relevant procedures. Grateful if you could kindly submit the original text of the legislation or policy, accompanied by an English translation if it is in a language other than English, French or Spanish.

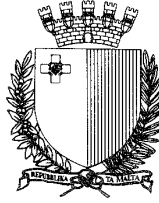
The relevant legislation is CAP 420, the International Protection Act which transposes the relevant EU directives. The principle of non-refoulement is also found in Immigration legislation in Chapter 217 and its subsidiary legislation 217.12.

2. Please provide information on any existing good practices or measures taken (such as screening and referral mechanisms at borders) in your country to ensure that persons crossing international borders in mixed movements are protected according to international human rights law. Please indicate any specific measures aimed at reducing vulnerabilities of migrants, including by applying a human rights-based, gender- and disability-responsive, as well as age- and child-sensitive approach.

Further to the legislation indicated above, upon arrival in Malta, migrants are screened by the police, and all potentially vulnerable cases are referred to the Agency for the Welfare of Asylum Seekers. At this stage, the type of support that is required by each migrant is established, in addition to his/her application for international protection. Moreover NGOs, including lawyers, are also granted access to centres.

3. Please provide information on existing restrictions or limitations in law and in practice in relation to the right to claim and seek asylum at international borders in your country (e.g., border controls, restricted access to territory) and elaborate the impact of these restrictions on the protection of the rights of migrants crossing international borders.

No such restrictions are in place and irregular entry does not preclude access to the asylum system. Kindly refer to legislation indicated above.



4. Please provide information on any concrete instances of pushbacks, including an analysis on the circumstances of the event.

Not applicable.

5. Please indicate any specific challenges that your Government has encountered, in the context of the COVID-19 pandemic, on ensuring the human rights of migrants crossing international borders, either by land or by sea.

The Covid-19 pandemic has imposed additional challenges, particularly as migrants with the virus entered Malta and positive cases were recorded within closed and open centre accommodation. At one point, this led to the temporary quarantine of Malta's largest open centre in order to prevent further spread of the virus. Notwithstanding the limitations brought about by the pandemic, the authorities still managed to provide isolated spaces to different groups of irregular migrants arriving in Malta in 2020. The International Protection Agency resumed its services with the least possible disruptions, also using remote interviewing.

6. Please indicate any challenges and/or obstacles faced by Governmental institutions or civil society organizations and individuals in protecting the human rights of migrants at international borders, including those in distress at sea and in situations where pushbacks or pullbacks are likely to take place.

Not applicable.

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