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EESC fact-finding missions on the situation of refugees, as seen by civil society organisations



MISSION REPORT – MALTA
18 AND 19 JANUARY 2016



European Economic and Social Committee

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In December 2015 and January 2016, EESC delegations met civil society organisations working with migrants in eleven EU Member States in order to identify the problems, needs, failures, success stories and best practices of the various actors in the current refugee crisis. The final aim is to provide input for EU policymaking. The delegation to Malta was composed of Stefano Mallia (Malta, Employers Group), Berivan Muhriban Öngörür (Sweden, Workers Group) and Christian Moos (Germany, Various Interests Group) and supported by Annemarie Wiersma, EESC secretariat.

1. A description of the meetings

a) Ministry for Social Dialogue, Consumer Affairs and Civil Liberties

The Human Rights and Integration Directorate is developing an integration strategy covering actions to be implemented by the ministries of education, employment and home affairs. It focuses mainly on improving the functioning of governmental authorities in order to resolve problems encountered by migrants and refugees. To foster labour market integration and reduce undeclared work, Malta plans to introduce a voucher system for short-term employment. There is a need for an EU framework for cooperation and sharing best practices and for actions targeting host communities in order to improve perceptions and discourse about migrants. The EU should highlight positive integration practices to achieve this.

b) European Asylum Support Office

The role of EASO has recently been expanded to include participation in the setting up and functioning of EU hotspots. Member States have pledged to deploy 200 experts to EASO, but only 30 were at work in January. EASO staff assists in the registration process, provides information to newly arrived migrants, and is responsible for matching refugees with countries where they can be relocated. EASO stressed that the return of irregular migrants was a police responsibility.

Emerging trends have been detected on the basis of asylum-related data gathered from the Member States. These include a recent and worrying rise in the arrival of unaccompanied minors. Although the number of migrants reaching Malta by boat has considerably decreased, the number of asylum applications in Malta has remained consistent over the past few years. The majority of arrivals are now Libyans and Syrians, averaging some 200 per month. However, it is interesting to note that they are now arriving by plane and not by boat.

c) UNHCR Malta

Since April 2013 the number of maritime arrivals in Malta has been low. Nevertheless, there has been a recent increase in Libyans and Syrians arriving in Malta through regular channels (by air) and applying for asylum in the country. UNHCR however feels that Malta should continue to be prepared

for an increase in the number of maritime arrivals as the situation is still very fluid. Until recently, Malta used to detain all irregular migrants, often in poor conditions. Now, they have introduced open centres and reforms to the asylum process, signified by the introduction of an initial reception phase, during which registration, a health check and a first assessment of the asylum claim are made. As there have not been any new arrivals since these changes were introduced, the quality and effect of the changes cannot yet be assessed.

Malta is a young migration country and has not yet fully adapted to the arrival and integration of newcomers. Integration is not structurally organised. Despite NGO efforts to offer elements of an integration trajectory, there is no comprehensive approach. Although an integration strategy is being developed, the momentum and full government buy-in are still not sufficiently evident. Employment opportunities are deemed to be good although it is questionable whether there is enough incentive for migrants to find formal jobs. Many migrants work without a formal contract, which often leads to abuse in terms of pay and working conditions.

d) Visit to Marsa Open Centre

Although Malta has a reception capacity of 2 200, only 700 places are currently in use, including 100 at the Marsa Open Centre. The centre was run by the Foundation for Shelter and Support to Migrants (FSM) between 2010 and autumn last year, when the Agency for the Welfare of Asylum Seekers (AWAS) took over.

An open centre is a key part of reception management, offering accommodation and facilitating access to mainstream services, such as free healthcare and free education. The centre is designed to accommodate people during the initial reception phase, but there have been no arrivals since this new type of reception centre was introduced. Asylum seekers are allowed to stay at the centre for up to one year after they have received a decision on their asylum application even if their application fails. If they do not have any work, they receive an allowance from the government.

e) Hon. Carmelo Abela - Minister for Home Affairs and National Security

Malta's position on migration is that EU States should share the responsibility for dealing with the large numbers of arrivals. Migration is a global issue and all countries should play their part in receiving refugees and resolving the conflicts that force people to flee. During the Valletta summit, EU and African countries agreed on a joint action plan to address migration and the focus should now be on its implementation. The EU should ensure a truly common migration and asylum policy. The Maltese government did however express concerns about the recent EU proposal for a European Border and Coast Guard office, in particular as regards the practical implementation of the proposal.

The Maltese government considers it important to involve NGOs in the migration process even though it is not always in agreement with them. For instance, the Maltese authorities want return decisions to be systematically enforced whereas NGOs advocate also integrating irregular migrants who cannot be returned to their home country. There is a need to ensure decent work for migrants. As

a result, trade unions and employers' organisations need to be involved in order to address labour exploitation and undeclared work, as well as job matching through an inventory of migrant skills and qualifications.

f) Migrant Offshore Aid Station (MOAS)

Although MOAS has its offices in Malta, the NGO's staff and area of operations are very international. MOAS has two boats which have rescued 12 000 people so far in the Mediterranean. It is currently very active in the Aegean Sea, but will launch a new operation in the central Mediterranean in spring this year. In terms of experience, MOAS is ready to expand, but it lacks the financial resources to do so. Their operations are very expensive and they rely on funding from its founders, sponsors and donations, as well as crowdfunding. To get publicity for their activities and secure funding, MOAS has occasionally allowed journalists on board to cover rescue missions. MOAS always needs to operate under the authority of the country in charge, which also instructs them on where to disembark rescued people.

g) Roundtable on the integration of refugees

Participating organisations: Jesuit Refugee Service Malta; ADITUS Foundation; Malta Emigrants' Commission; Malta Workers' Union – UHM; General Workers Union Malta; the Malta Chamber of Commerce; Enterprise and Industry; Foundation for Shelter and Support to Migrants; and African Media Association Malta.

Since migrants will continue to arrive in Malta and other European countries, a long-term vision and approach is needed to handle the situation. This approach will need to include an integration strategy, with special attention to training and labour market integration. The cost of non-integration will be higher than the cost of integration. Most migrants currently arriving in Europe are of working age, but society will also need to prepare for the moment when they reach retirement.

At present, many migrants are over-qualified for the work they do and feel trapped, without any prospect of finding a better job. The effective integration of migrants who have been able to find a job is hindered by the administrative difficulties they encounter when they try to open a bank account or obtain a work permit. Migrants are often not well informed about their rights and are afraid to join a union. When they work without a contract, this can lead to exploitation and problems especially with regard to workplace accidents and the rate of pay for their work.

The government needs to take the lead in tackling institutional and societal racism. Integration is a two-way process in which all parties concerned must make an effort. A comprehensive and long-term educational effort is required regarding the dynamics of immigration.

NGOs have been excluded from dialogue with ministries, which now involves migrants directly. The participants said that it would be better to let NGOs represent migrants, who may not always be in a position to be honest and critical of the government. Similarly, the government should involve trade

unions and business and employers' organisations in dialogue about (labour market) integration and health and safety at work.

The participants welcomed the EESC's initiative to hold a roundtable, which had given them a unique opportunity to speak to other stakeholders which they rarely had an opportunity to meet. They decided to adopt the same meeting format for future discussions.

2. Conclusions

Between November 2014 and November 2015, 1 763 people had applied for asylum in Malta. Each month, a maximum of 200 people apply for asylum in Malta. Most of these people now arrive by plane; maritime arrivals are rather rare (the last was in January 2015). The majority of applicants are Syrian and Libyan.

It is clear that migration to Europe will continue, most likely in large numbers. Migrant routes and profiles are always changing, requiring countries to be flexible and adapt to these changing realities. Governments need to be prepared for this and the Maltese government, like the governments of other EU Member States, needs to think about the tools it needs to manage the current situation, as well as how to address push factors in the long-term.

Until recently, Malta used to detain asylum seekers during their asylum procedure, often in poor conditions, which was not in line with EU and international law. It has recently taken steps to change this and has created open centres.

The relocation system in its current form does not work. The Common European Asylum System will not function as it should until all planned hotspots have become operational and the effective relocation of asylum seekers takes place. To this end, Member States need to live up to their promises, in terms of staff to be deployed to hotspots, as well as the amount of asylum seekers they have pledged to take in.

Inextricably linked to this is the need for an effective return policy. The EU return policy is clearly not working. In some European countries, although not in Malta, many people end up living on the streets in an irregular situation after they have received a return order. Although in many cases their irregular status does not prevent them from finding work, they often work without a contract, are not insured against workplace accidents, do not have full access to healthcare and find it difficult to find proper housing. Such precarious situations should be avoided.

Malta does not yet have a well-developed migrant and/or refugee integration policy in place, although it has recently started to develop an integration strategy. NGOs offer certain services or assistance to support integration, but there is no comprehensive approach or coordination.

Although in theory anyone offered a job is allowed to work in Malta, it often takes a considerable amount of time to obtain the required work permit. Many migrants work without a formal contract

and there has been little appetite to correct this. This leads to problems concerning health and safety at work, social security, the pension system, etc. Both employers and trade unions need to be involved in social dialogue to address the importance of integrating migrant workers into the labour market and ensuring that all their rights are respected, including a healthy and safe working environment.

Maltese employers are not very well informed when it comes to employing migrants, although there is an evident need for foreign workers in specific sectors of the economy.