

VERŻJONI ELETTRONIKA

*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,456, 7 ta' Awwissu, 2020*

*Taqsim A*

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MALTA

**ATT Nru XL tal-2020**

ATT maħruġ b'liġi mill-Parlament ta' Malta.

**ATT sabiex jemenda l-Att dwar Rifuġjati, Kap. 420.**

**ACT No. XL of 2020**

AN ACT enacted by the Parliament of Malta.

**AN ACT to amend the Refugees Act, Cap. 420.**



Nagħti l-kunsens tiegħi.

(L.S.)

**GEORGE VELLA**  
**President**

7 ta' Awwissu, 2020

**ATT Nru XL tal-2020**

*ATT sabiex jemenda l-Att dwar ir-Rifugjati, Kap. 420.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ liġi b'dan li ġej:

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2020 li jemenda l-Att dwar ir-Rifugjati. Titolu fil-qosor.

**TAQSIMA I**

**Emendi tal-Att dwar ir-Rifugjati**

2. Din it-Taqsima temenda l-Att dwar ir-Rifugjati u għandha tinqara u tinftiehem haġa waħda mal-Att dwar ir-Rifugjati, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali". Emendi għall-Att dwar ir-Rifugjati. Kap. 420.

3. Fl-artikolu 1 tal-Att prinċipali, il-kelma "ir-Rifugjati" għandha tiġi sostitwita bil-kliem "il-Protezzjoni Internazzjonali". Emenda tal-artikolu 1 tal-Att prinċipali.

4. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fit-tifsira "applikant", il-kliem "deċiżjoni finali dwarha mill-Kummissarju jew mill-Bord tal-Appelli dwar ir-Rifuġjati;" għandhom jiġu sostitwiti bil-kliem "deċiżjoni finali dwarha mill-Aġenzija għall-Protezzjoni Internazzjonali jew mit-Tribunal tal-Appelli għall-Protezzjoni Internazzjonali;"

(b) it-tifsira "applikazzjoni manifestament infondata" għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

" "applikazzjoni manifestament infondata" tfisser applikazzjoni li fir-rigward tagħha:

(a) l-applikant, meta ppreżenta l-applikazzjoni tiegħu u ppreżenta l-fatti, qajjem biss kwistjonijiet li mhumiex rilevanti għall-eżami dwar jekk jikkwalifikax bħala beneficijarju tal-protezzjoni internazzjonali; jew

(b) l-applikant ikun minn pajjiż ta' oriġini sigur; jew

(ċ) l-applikant ikun qarraq bl-awtoritajiet billi ppreżenta informazzjoni jew dokumenti foloz jew billi żamm informazzjoni jew dokumenti rilevanti rigward l-identità u / jew in-nazzjonalità tiegħu li setgħu kellhom impatt negattiv fuq id-deċiżjoni; jew

(d) huwa probabbli li, b'intenzjoni, l-applikant qered jew iddispona minn dokument ta' identità jew ivvjagġar li setgħa għen biex tiġi stabbilita l-identità jew iċ-ċittadinanza tiegħu; jew

(e) l-applikant għamel b'mod ċar rappreżentazzjonijiet inkonsistenti u kontradittorji, li huma foloz jew ovvjament improbabli li jikkontradixxu informazzjoni tal-pajjiż ta' oriġini vverifikata, u b'hekk jidher ċar li t-talba tiegħu mhix konvinċenti fir-rigward ta' jekk jikkwalifikax bħala beneficijarju tal-protezzjoni internazzjonali; jew

(f) l-applikant introduċa applikazzjoni sussegwenti għal protezzjoni internazzjonali li mhux inammissibbli skont l-artikolu 24 (1)(e); jew

(g) l-applikant ikun qiegħed jagħmel

applikazzjoni sempliċiment biex idewwem jew jiffrustra l-infurzar ta' deċiżjoni preċedenti jew imminenti li tirriżulta fit-tneħħija tiegħu; jew

(h) l-applikant iddaħħal Malta b'mod illegali jew tawwal iż-żjara tiegħu illegalment u, mingħajr raġuni ġusta, ma pprezentax lill-awtoritajiet jew ma jkunx għamel applikazzjoni għall-protezzjoni internazzjonali mill-aktar fis possibbli, minhabba ċ-ċirkostanzi tad-dhul tiegħu; jew

(i) l-applikant jirrifjuta li jikkonforma mal-obbligu li jittieħdu l-marki tas-swaba' tiegħu skont ir-Regolament (UE) Nru 603/2013 tal-Parlament Ewropew u tal-Kunsill tas-26 ta' Ġunju 2013 dwar l-istabbiliment tal-Eurodac għat-tqabbil ta' marki tas-swaba' għall-applikazzjoni effettiva tar-Regolament (UE) Nru 604/2013 li jistabbilixxi l-kriterji u l-mekkaniżmi biex ikun iddeterminat l-Istat Membru responsabbli biex jeżamina applikazzjoni għall-protezzjoni internazzjonali ddepożitata f'wieħed mill-Istati Membri minn ċittadin ta' pajjiż terz jew persuna apolida u dwar talbiet għat-tqabbil ma' data tal-Eurodac mill-awtoritajiet tal-infurzar tal-liġi tal-Istati Membri u mill-Europol għall-finijiet ta' infurzar tal-liġi, u li jemenda r-Regolament (UE) Nru 1077/2011 li jistabbilixxi Aġenzija Ewropea għat-tmexxija operattiva tas-sistemi tal-IT fuq skala kbira fl-ispazju ta' libertà, sigurtà u ġustizzja; jew

(j) l-applikant jista', għal raġunijiet serji, jitqies bħala periklu għas-sigurtà nazzjonali jew l-ordni pubbliku, jew l-applikant ġie mkeċċi bil-forza għal raġunijiet serji ta' sigurtà pubblika jew ordni pubbliku taħt il-liġi nazzjonali.";

(ċ) it-tifsira "awtorità li tiddeċiedi" għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

" "awtorità li tiddeċiedi" tfisser l-Aġenzija għall-Protezzjoni Internazzjonali;"

(d) it-tifsira "il-Bord" għandha tiġi mħassra;

(e) it-tifsira "il-Kummissarju" għandha tiġi mħassra;

(f) minnufih wara t-tifsira "status ta' rifuġjat" għandu jiżded it-tifsir ġdid li ġej:

"it-Tribunal" tfisser it-Tribunal tal-Appelli għall-Protezzjoni Internazzjonali kif stabbilit bl-artikolu 5;

"l-Uffiċjal Kap Eżekuttiv" għandu jkollha l-istess tifsira kif mogħtija lilha fl-artikolu 4 u tinkludi, sa fejn u l-awtorità mogħtija, kwalunkwe persuna oħra awtorizzata temporanjament sabiex taġixxi f'ismu mill-Ministru;"

Emenda tat-titolu tat-Taqsima II tal-Att prinċipali.

**5.** It-titolu tat-Taqsima II tal-Att prinċipali għandu jiġi sostitwit bil-kliem "Uffiċjal Kap Eżekuttiv".

Emenda tal-artikolu 4 tal-Att prinċipali.

**6.** L-artikolu 4 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fin-nota marginali tiegħu, il-kliem "Kummissarju għar-Rifuġjati" għandhom jiġu sostitwiti bil-kliem "Uffiċjal Kap Eżekuttiv";

(b) fis-subartikolu (1) tiegħu, il-kliem "l-Kummissarju għar-Rifuġjati" għandhom jiġu sostitwiti bil-kliem "l-Uffiċjal Kap Eżekuttiv";

(ċ) fis-subartikolu (2) tiegħu, il-kelma "Il-Kummissarju" għandha tiġi sostitwita bil-kliem "L-Uffiċjal Kap Eżekuttiv";

(d) fis-subartikolu (3) tiegħu, il-kelma "Il-Kummissarju" għandha tiġi sostitwita bil-kliem "L-Uffiċjal Kap Eżekuttiv";

(e) fis-subartikolu (4) tiegħu, il-kelma "Kummissarju" kull fejn tokkorri għandha tiġi sostitwita bil-kliem "Uffiċjal Kap Eżekuttiv";

(f) is-subartikolu (5) tiegħu għandu jiġi emendat kif ġej:

(i) fil-paragrafu (a) tiegħu, il-kliem "dak l-għadd ta' Assistenti Kummissarji għar-Rifuġjati (hawn iżjed 'il quddiem msejha Assistenti Kummissarji)" għandhom jiġu sostitwiti bil-kliem "Deputat tal-Uffiċjal Kap Eżekuttiv (hawn iżjed 'il quddiem imsejjaħ id-Deputat)";

(ii) fil-paragrafu (b) tiegħu, il-kliem "L-Assistenti Kummissarji jinħatru" għandhom jiġu sostitwiti bil-kliem "Id-Deputat jinħatar"; u

(iii) il-paragrafu (ċ) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(ċ) Id-Deputat għandu jkollu, taħt it-tmexxija generali tal-Uffiċjal Kap Eżekuttiv, il-funzjonijiet u setgħat bħal dawk mogħtija lill-Uffiċjal Kap Eżekuttiv b'dan l-Att, u li jiġu assenjati lil mill-Uffiċjal Kap Eżekuttiv, inklużi l-funzjoni u s-setgħa li jeżamina applikazzjonijiet għal status ta' rifuġjat u li jamministra l-gurament lil kull persuna, u kwalunkwe referenza f'dan l-Att, minbarra dan l-artikolu, għall-Uffiċjal Kap Eżekuttiv għandha titqies li tinkludi wkoll referenza għad-Deputat filwaqt li jkun qieghed jeżerċita kwalunkwe funzjoni lil mogħtija mill-Uffiċjal Kap Eżekuttiv."

7. L-artikolu 5 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 5 tal-Att prinċipali.

"5. (1) It-Tribunal tal-Appell għall-Protezzjoni Internazzjonali għandu jkun magħmul minn chairperson full-time u żewġ (2) membri jew aktar part-time li jkunu maħtura mill-President li jaġixxi fuq il-parir tal-Prim Ministru minn fost persuni li jkunu ta' integrità magħrufa u li jidhrulu li jkunu kwalifikati minhabba f'li kellhom esperjenza, u wrew hila, f'suġġetti li jitqiesu adattati għal dak l-iskop:

Iżda mill-inqas wieħed (1) mill-membri tat-Tribunal għandu jkun persuna li tkun eżerċitat ta' avukat f'Malta għal perjodu jew perjodi li jammontaw, b'kollox, għal mhux inqas minn seba' (7) snin:

Iżda wkoll wieħed (1) mill-membri għandu jkun persuna li tirrappreżenta s-settur tad-diżabilità.

(2) Il-President li jaġixxi fuq il-parir tal-Prim Ministru, jista' jahtar aktar minn chairperson wieħed (1) fit-Tribunal, iżda f'kull każ partikolari joqgħod chairperson wieħed (1) biss.

(3) Il-membri tat-Tribunal għandhom jibqgħu fil-kariga għal perjodu ta' tliet (3) snin, u għandhom ikunu eligibbli għall-hatra mill-ġdid.

(4) Il-persuni maħtura bhala membri tat-Tribunal għandhom jokkupaw il-kariga sakemm jinhatru s-sucċessuri tagħhom.

(5) It-Tribunal għandu jkun magħmul minn kamra (1) jew aktar. Kull kamra għandha tikkonsisti minn chairperson u żewġ (2) membri oħra.

(6) It-Tribunal għandu jkun assistit minn persunal amministrattiv magħmul minn tal-inqas żewġ (2) segretarji."

Sostituzzjoni tal-artikolu 6 tal-Att prinċipali.

8. L-artikolu 6 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"6 Membru tat-Tribunal jista' biss jitneħħa mill-kariga mill-President li jaġixxi fuq il-parir tal-Prim Ministru minhabba fi traskuraġni gravi, inkompetenza, jew atti, ommissjonijiet jew imġiba li ma jixirqux lil membru tat-Tribunal."

Emenda tal-artikolu 7 tal-Att prinċipali.

9. L-artikolu 7 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikoli (4) sa (6) tiegħu għandhom jiġu enumerati mill-ġdid bħala s-subartikoli (3) sa (5) rispettivament u s-subartikolu (7) sa (10) tiegħu għandhom jiġu enumerati mill-ġdid bħala s-subartikoli (8) sa (11) rispettivament;

(b) fis-subartikolu (1) tiegħu, il-kliem "Il-Bord ikollu s-setgħa li jisma' u jiddeċiedi appelli kontra rakkomandazzjoni tal-Kummissarju" għandhom jiġu sostitwiti bil-kliem "It-Tribunal għandu jkollu s-setgħa li jisma' u jiddeċiedi appelli kontra deċiżjoni tal-Aġenzija għall-Protezzjoni Internazzjonali";

(c) is-subartikolu (1A) tiegħu għandu jiġi emendat kif ġej:

(i) il-kliem "jista' jsir" għandhom jiġu sostitwiti bil-kliem "għandu jsir"; u

(ii) fis-subparagrafu (ii) tal-paragrafu (a) tiegħu, il-kliem "mill-President tal-Bord tal-Appelli għar-Rifugjati" għandhom jiġu sostitwiti bil-kliem "miċ-chairperson tat-Tribunal tal-Appelli għall-Protezzjoni Internazzjonali";

(d) is-subartikolu (2) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(2) Appelli lit-Tribunal għandhom isiru fi żmien ħmistax (15)-il gurnata minn meta ssir in-notifika tad-deċiżjoni tal-Aġenzija għall-Protezzjoni Internazzjonali lill-applikant. Kopja tal-appell għandha tiġi notifikata lill-Uffiċjal Kap Eżekuttiv:

Iżda t-Tribunal jista' jassumi li l-applikant ikun implicitament irtira r-rikors tal-appell tiegħu meta jiġi żgurat li:

(a) huwa jkun naqas milli jipprovdi informazzjoni essenzjali għall-appell li jkun qiegħed jagħmel kemm-il darba l-applikant ma jurix, fi żmien raġonevoli, li n-nuqqas tiegħu seħħ minhabba f'ċirkostanzi li ma setax jikkontrolla;

(b) huwa jkun abbanduna jew telaq mingħajr ma kien awtorizzat mill-post fejn kien joqgħod jew fejn kien qiegħed jinżamm, mingħajr ma għarraf lill-awtoritajiet kompetenti fi żmien raġonevoli jew ma jkunx, fi żmien tletin (30) ġurnata, hares id-dmir li kellu li jirrapporta jew xi obbligazzjoni oħra li seta' kellu biex jikkomunika.";

(e) is-subartikolu (3) tiegħu għandu jiġi mħassar;

(f) fis-subartikolu (3) tiegħu, kif enumerat mill-ġdid, il-kliem "Il-Bord tal-Appelli dwar ir-Rifuġjati" għandhom jiġu sostitwiti bil-kliem "It-Tribunal tal-Appelli għall-Protezzjoni Internazzjonali";

(g) is-subartikolu (5) tiegħu, kif enumerat mill-ġdid, għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(5) It-Tribunal jista' jagħmel smiġħ orali jekk jidhirlu li huwa xieraq. Seduti orali bħal dawn għandhom jinżammu fil-maġħluq, sakemm it-Tribunal ma jawtorizzax li seduta tkun pubblika, wara talba minn waħda mill-partijiet, jew jekk it-Tribunal jidhirlu li jkun xieraq.";

(h) minnufih wara s-subartikolu (5) tiegħu, kif enumerat mill-ġdid, għandhom jiżdiedu s-subartikoli ġodda li ġejjin:

"(6) It-Tribunal għandu jitlob lill-applikanti li jagħmlu sottomissjonijiet bil-miktub f'mhux aktar minn hmistax (15)-il jum wara s-sottomissjoni tal-applikazzjoni tal-appell. Is-sottomissjoni għandha ssir mingħajr preġudizzju għall-preżentazzjoni ta' evidenza addizzjonali, partikolarment dokumentazzjoni li ma setgħetx tkun disponibbli meta kienet saret is-sottomissjoni matul il-proċeduri.

(7) Mingħajr preġudizzju għall-artikolu 23, it-Tribunal għandu jiżgura li kull każ jiġi konkluż fi żmien tliet xhur mis-sottomissjoni tal-applikazzjoni tal-appell.

F'każijiet li jinvolvu kwistjonijiet kumplessi ta' fatt

jew liġi, il-limitu ta' żmien stabbilit fis-subartikolu (1) jista' jiġi estiż b'perjodu addizzjonali ta' tliet (3) xhur. Dan il-limitu ta' żmien jista' jiġi estiż biss meta minhabba ċirkostanzi eċċezzjonali jkun impossibbli li t-Tribunal jiddeċiedi dwar l-appell fi żmien sitt (6) xhur.";

(i) fis-subartikolu (8), kif enumerat mill-ġdid, il-kelma "tal-Bord" għandha tiġi sostitwita bil-kelma "tat-Tribunal";

(j) is-subartikolu (9), kif enumerat mill-ġdid, għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(9) Bla ħsara għar-regolamenti magħmula taħt l-artikolu 25(1)(b), it-Tribunal għandu jirregola l-proċedura tiegħu nnifsu. It-Tribunal għandu wkoll permezz tal-President ikollu s-setgħa li jamministra l-ġurament lil kull persuna li tidher quddiemu."

(k) fis-subartikolu (10), kif enumerat mill-ġdid, il-kelma "tal-Bord" għandha tiġi sostitwita bil-kelma "tat-Tribunal"; u

(l) fis-subartikolu (11), kif enumerat mill-ġdid, il-kelma "l-Bord" għandha tiġi sostitwita bil-kelma "t-Tribunal" u l-kliem "il-Kummissarju għandu johroġ" għandhom jiġu sostitwiti bil-kliem "l-Aġenzija għall-Protezzjoni Internazzjonali għandha toħroġ".

Emenda tal-artikolu 7A tal-Att prinċipali.

**10.** L-artikolu 7A tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, il-kliem "lill-Kummissarju għar-Rifuġjati" għandhom jiġu sostitwiti bil-kliem "lill-Aġenzija għall-Protezzjoni Internazzjonali"; u

(b) fis-subartikolu (8) tiegħu, il-kliem "il-Kummissarju għar-Rifuġjati" għandhom jiġu sostitwiti bil-kliem "l-Aġenzija għall-Protezzjoni Internazzjonali".

Emenda tal-artikolu 8 tal-Att prinċipali.

**11.** Fis-subartikolu (1) tal-artikolu 8 tal-Att prinċipali, il-kliem "lill-Kummissarju" għandhom jiġu sostitwiti bil-kliem "lill-Aġenzija għall-Protezzjoni Internazzjonali".

Emenda tal-artikolu 9 tal-Att prinċipali.

**12.** Is-subartikolu (2) tal-artikolu 9 tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(2) Persuna li tkun ġiet avżata li ma tkunx għad għandha status ta' rifuġjat ikollha jedd tappella kontra dik id-deċiżjoni fit-Tribunal fi żmien ħmistax (15)-il jum minn dak l-avviż u d-dispożizzjonijiet tal-artikolu 7 għandhom ikunu japplikaw

*mutatis mutandis* għal dak l-appell. Id-deċiżjoni tat-Tribunal tkun waħda finali."

13. L-artikolu 10 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 10 tal-Att prinċipali.

"Revoka ta', tmiem ta' jew ċhid għal tiġdid ta' status ta' rifuġjat.

10. (1) L-Aġenzija għall-Protezzjoni Internazzjonali għandha tirrevoka, ittemm jew tiċhad li ġġedded l-istatus ta' rifuġjat ta' ċittadin ta' pajjiż terz jew persuna apolida, jekk ikun waqaf milli jikkwalifika għall-istatus ta' rifuġjat skont l-artikolu 9.

(2) Mingħajr preġudizzju għad-dmir tar-rifuġjat li jiżvela l-fatti kollha u jipprovdi d-dokumentazzjoni rilevanti kollha għad-dispożizzjoni tiegħu, l-Aġenzija għall-Protezzjoni Internazzjonali għandha tkun intitolata li turi li l-persuna kkonċernata waqfet milli tkun jew qatt ma kienet tikkwalifika għall-istatus ta' rifuġjat skont is-subartikolu (1) ta' dan l-artikolu.

(3) L-Aġenzija għall-Protezzjoni Internazzjonali għandha tirrevoka, ittemm jew tiċhad li ġġedded l-istatus ta' rifuġjat ta' ċittadin ta' pajjiż terz jew persuna apolida jekk, wara li jkun ingħata l-istatus ta' rifuġjat, ikun stabbilit li:

(a) huwa għandu jkun jew huwa eskluż milli jkun rifuġjat skont l-artikolu 12;

(b) il-prezentazzjoni hażina jew l-ommissjoni ta' fatti, inkluż l-użu ta' dokumenti foloz, kienu deċiżivi għall-għoti tal-istatus ta' rifuġjat.

(4) L-Aġenzija għall-Protezzjoni Internazzjonali tista' tirrevoka, ittemm jew tiċhad li ġġedded l-istatus mogħti lil rifuġjat meta:

(a) ikun hemm bażi raġonevoli biex jiġi kkunsidrat bħala periklu għas-sigurtà nazzjonali;

(b) billi jkun instab ħati ta' sentenza finali ta' delitt partikolarment serju, jikkostitwixxi periklu għall-komunità.

(5) Persuna li l-istatus ta' rifuġjat tagħha qiegħed jiġi kkunsidrat mill-ġdid għandha tkun infurmata bil-miktub li l-kwalifika tagħha għall-istatus ta' rifuġjat qiegħda tiġi kkunsidrata mill-ġdid, tingħata raġunijiet għal din il-kunsiderazzjoni mill-ġdid u tingħata l-opportunità li tissottometti, f'intervista personali jew f'dikjarazzjoni bil-miktub, ir-raġunijiet tagħha għalfejn l-istatus ta' rifuġjat tagħha ma għandux jiġi rtirat.

(6) Persuna, li fir-rigward tagħha l-Aġenzija għall-Protezzjoni Internazzjonali tkun irrevokat jew ċaħdet li gġedded l-istatus ta' rifuġjat, għandha tkun intitolata tappella kontra r-revoka fit-Tribunal fi żmien ġimgha minn meta tkun giet notifikata bir-revoka, u d-dispożizzjonijiet tal-artikolu 7 għandhom japplikaw *mutatis mutandis*."

Emenda tal-artikolu 13 tal-Att prinċipali.

**14.** L-artikolu 13 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fin-nota marginali tiegħu, il-kelma "Trattament" għandha tiġi sostitwita bil-kliem "Applikazzjonijiet għall-Protezzjoni Internazzjonali";

(b) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Persuna li tkun qiegħda tfittex protezzjoni internazzjonali f'Malta tista' tapplika għand l-Aġenzija għall-Protezzjoni Internazzjonali skont il-formola preskritta għal dikjarazzjoni bħal dik u għandha tiġi intervistata mill-Aġenzija għall-Protezzjoni Internazzjonali kemm jista' jkun malajr."; u

(ċ) minnufih wara s-subartikolu (3) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

"(4) L-Aġenzija għall-Protezzjoni Internazzjonali għandha tgharraf minnufih lill-awtoritajiet kompetenti kull meta minuri li ma jkunux għalaq it-tmintax (18)-il sena u ma jkunx akkumpanjat jagħmel applikazzjoni għall-protezzjoni internazzjonali."

Emenda tal-artikolu 16 tal-Att prinċipali.

**15.** Fl-artikolu 16 tal-Att prinċipali, il-kelma "Il-Kummissarju" għandha tiġi sostitwita bil-kliem "L-Aġenzija għall-Protezzjoni Internazzjonali".

Emenda tal-artikolu 17 tal-Att prinċipali.

**16.** L-artikolu 17 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, il-kliem "Il-Kummissarju" u "l-Kummissarju" għandhom jiġu sostitwiti bil-kliem "l-Aġenzija għall-Protezzjoni Internazzjonali"; u

(b) fis-subartikolu (3) tiegħu, il-kliem "Il-Kummissarju għar-Rifuġjati" għandhom jiġu sostitwiti bil-kliem "L-Aġenzija għall-Protezzjoni Internazzjonali".

17. Minnufih wara l-artikolu 17 tal-Att prinċipali għandu jiżded l-artikolu ġdid li ġej:

Zieda ta' artikolu ġdid fl-Att prinċipali.

"Protezzjoni umanitarja temporanja.

17A. (1) L-Aġenzija għall-Protezzjoni Internazzjonali tista' tiddikjara li protezzjoni umanitarja temporanja tingħata lil applikant għal protezzjoni internazzjonali li ma jikkwalifikax għall-istatus ta' rifugjat jew status ta' protezzjoni sussidjarja, iżda li hu meqjus li jikkwalifika għall-protezzjoni għal raġunijiet umanitarji. Din il-protezzjoni umanitarja temporanja tista' tingħata lil:

(a) minuri mhux akkumpanjat li ma jistax jintbagħat lura fil-pajjiż ta' oriġini tiegħu skont il-prinċipju tal-aħjar interessi tal-minuri;

(b) applikant li huwa marid terminali jew ibati minn kundizzjoni medika serja jew li permezz tagħha jista' jitlef ħajtu u din il-kundizzjoni ma tistax tiġi kkurata fil-pajjiż ta' oriġini tal-applikant jew fil-pajjiż tar-residenza abitwali fil-każ ta' persuni apolidi, jew jekk it-trattament huwa disponibbli, huwa ma jkollux aċċess għal dan it-trattament; u

(ċ) applikant li ma jistax jintbagħat lura minhabba konsiderazzjonijiet umanitarji oħra. Konsiderazzjonijiet bħal dawn jistgħu jinkludu, *inter alia*, każijiet ta' diżabilità serja li jaffettwaw b'mod sinifikanti l-abilità tal-applikant sabiex jgħix ħajja normali:

Iżda ċittadin ta' pajjiż terz jew persuna apolida huma esklużi milli jkunu eliġibbli għal protezzjoni umanitarja temporanja meta jkun hemm raġunijiet serji li juru li:

(a) ikun wettaq delitt kontra l-paċi, delitt tal-gwerra, jew delitt kontra l-umanità, kif definit fl-istrumenti internazzjonali li jipprovdu dispożizzjonijiet fir-rigward ta' dawn id-delitti jew huwa persuna li tinstiga jew tippartecipa b'xi mod ieħor fil-kummissjoni ta' dawn id-delitti; jew

(b) ikun ikkommetta delitt serju; jew

(ċ) kien ħati ta' atti li huma kontra l-iskopijiet u l-prinċipji tan-Nazzjonijiet Uniti kif stabbiliti fil-Preambolu u l-Artikoli 1 u 2 ta' Charter tan-Nazzjonijiet Uniti; jew

(d) ikun jikkostitwixxi periklu għall-komunità jew għas-sigurtà nazzjonali:

Iżda l-paragrafi (a), (b), (ċ) u (d) għandhom japplikaw ukoll għal persuni li jinstigaw jew li jipparteċipaw mod ieħor fil-kummissjoni tad-delitti jew atti msemmija hawnhekk:

Iżda wkoll id-deċiżjoni dwar l-għoti ta' protezzjoni umanitarja temporanja għandha tingħata flimkien mad-determinazzjoni formali li l-applikant ma jissodisfax il-kriterji ta' rifugjat jew ta' benefiċjarju ta' protezzjoni sussidjarja taħt dan l-Att:

Iżda wkoll il-protezzjoni umanitarja temporanja tista' tiġi kkunsidrata wkoll fir-rigward ta' applikanti li l-applikazzjoni tagħhom giet miċhuda minn deċiżjoni finali, li jagħmlu talba għal protezzjoni umanitarja temporanja u li jaqgħu taħt waħda mir-raġunijiet elenkati fis-subartikolu (1):

Iżda wkoll ma jista' jsir l-ebda appell minn deċiżjoni tal-Aġenzija għall-Protezzjoni Internazzjonali li fiha ma tingħatax protezzjoni umanitarja temporanja.

(2) L-istatus jista' jiġi revokat, mitmum jew ma jiġix imgedded kull meta l-kondizzjonijiet li taħthom ingħata ma jibqgħux jeżistu, jew jekk wara li tkun ingħatat protezzjoni umanitarja temporanja, il-benefiċjarju kien imissu jiġi jew gie eskluż milli jkun eliġibbli għal protezzjoni umanitarja temporanja skont is-subartikolu (1):

Iżda l-Aġenzija għall-Protezzjoni Internazzjonali għandha tingħata s-setgħa li tistabbilixxi l-proċeduri meħtieġa sabiex tiżgura li applikant jikkwalifika għall-protezzjoni umanitarja temporanja u li jkun għadu jissodisfa l-kriterji meħtieġa ta' eliġibbiltà:

Iżda wkoll ma jista' jsir l-ebda appell minn deċiżjoni tal-Aġenzija għall-Protezzjoni Internazzjonali li tirrevoka, ittemm jew ma gġeddidx protezzjoni umanitarja temporanja.

(3) Deċiżjoni mill-Aġenzija għall-Protezzjoni Internazzjonali li tiddikjara applikant għall-protezzjoni internazzjonali benefiċjarju ta' protezzjoni umanitarja temporanja għandha tkun bla ħsara għad-dritt tal-applikant li jappella d-deċiżjoni fejn ma ngħatax status ta' rifugjat jew protezzjoni sussidjarja:

Iżda d-dispożizzjonijiet tal-artikolu 22 għandhom japplikaw, *mutatis mutandis*, għall-benefiċjarji ta' protezzjoni umanitarja temporanja."

**18.** Fl-artikolu 21 tal-Att prinċipali, il-kelma "il-Kummissarju" għandha tiġi sostitwita bil-kliem "l-Aġenzija għall-Protezzjoni Internazzjonali".

Emenda tal-artikolu 21 tal-Att prinċipali.

**19.** L-artikolu 22 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 22 tal-Att prinċipali.

"Revoka ta', tmiem ta' jew ċhid ta' tiġdid ta' status ta' protezzjoni sussidjarja.

22. (1) L-Aġenzija għall-Protezzjoni Internazzjonali għandha tirrevoka, ittemm jew tiċhad li ġġedded l-istatus ta' protezzjoni sussidjarja ta' ċittadin ta' pajjiż terz jew persuna apolida jekk ma jibqax eliġibbli għal protezzjoni sussidjarja skont l-artikolu 21.

(2) L-Aġenzija għall-Protezzjoni Internazzjonali tista' tirrevoka, ittemm jew tiċhad li ġġedded l-istatus ta' protezzjoni sussidjarja ta' ċittadin ta' pajjiż terz jew persuna apolida jekk wara li jkun inġhata l-istatus ta' protezzjoni sussidjarja, kellu jkun eskluż milli jkun eliġibbli għal protezzjoni sussidjarja.

(3) L-Aġenzija għall-Protezzjoni Internazzjonali għandha tirrevoka, ittemm jew tirrifjuta li ġġedded l-istatus ta' protezzjoni sussidjarja ta' ċittadin ta' pajjiż terz jew persuna apolida jekk:

(a) wara li jkun inġhata status ta' protezzjoni sussidjarja, messu ġie eskluż milli jkun eliġibbli għal protezzjoni sussidjarja;

(b) il-preżentazzjoni hażina jew l-ommissjoni ta' fatti, inkluż l-użu ta' dokumenti foloz, kienu deċiżivi għall-ġhoti ta' status ta' protezzjoni sussidjarja.

(4) Persuna li l-istatus ta' protezzjoni sussidjarja tagħha qiegħed jiġi kkunsidrat mill-ġdid, għandha tkun infurmata bil-miktub li l-kwalifika tagħha bħala benefiċjarju ta' status ta' protezzjoni sussidjarja qiegħda tiġi kkunsidrata mill-ġdid, tingħata raġunijiet għal din il-konsiderazzjoni mill-ġdid u tingħata l-opportunità li tissottometti, f'intervista personali jew f'dikjarazzjoni bil-miktub, ir-raġunijiet tagħha għalfejn l-istatus ta' protezzjoni sussidjarja tagħha ma għandux jiġi rtirat.

(5) Mingħajr preġudizzju għad-dmir taċ-ċittadin ta' pajjiż terz jew persuna apolida biex tiżvela l-fatti kollha rilevanti u tipprovdi d-dokumentazzjoni rilevanti kollha għad-dispożizzjoni tagħha, l-Aġenzija għall-Protezzjoni Internazzjonali għandha tkun intitolata li turi li l-persuna kkonċernata waqfet milli tkun jew mhix eliġibbli għal protezzjoni sussidjarja skont is-subartikoli (1), (2) u (3) ta' dan l-artikolu.

(6) Persuna li fir-rigward tagħha l-Aġenzija għall-Protezzjoni Internazzjonali tkun irrevokat jew ċaħdet li gġedded status ta' protezzjoni sussidjarja, għandha tkun intitolata tappella kontra r-revoka fit-Tribunal fi żmien gimgħa minn meta tkun giet notifikata bir-revoka, u d-dispożizzjonijiet tal-artikolu 7 għandhom japplikaw *mutatis mutandis*."

Emenda tal-artikolu 23 tal-Att prinċipali.

**20.** L-artikolu 23 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, il-kliem "*prima facie*" għandhom jiġu mħassra;

(b) fis-subartikolu (2) tiegħu, il-kliem "l-Kummissarju" u "il-Kummissarju" għandhom jiġu sostitwiti bil-kliem "l-Aġenzija għall-Protezzjoni Internazzjonali"; il-kliem "*prima facie*" għandhom jiġu mħassra; u l-kelma "jirrakkomanda" għandha tiġi sostitwita bil-kelma "jiddeċiedi";

(c) fis-subartikolu (3) tiegħu, il-kelma "Ir-rakkomandazzjoni" għandha tiġi sostitwita bil-kelma "Id-deċiżjoni"; il-kliem "President tal-Bord" għandhom jiġu sostitwiti bil-kliem "Chairperson tat-Tribunal tal-Appelli għall-Protezzjoni Internazzjonali"; il-kelma "r-rakkomandazzjoni" għandha tiġi sostitwita bil-kelma "d-deċiżjoni"; u l-kelma "Kummissarju" għandha tiġi sostitwita bil-kliem "Aġenzija għall-Protezzjoni Internazzjonali";

(d) fis-subartikolu (4) tiegħu, il-kliem "tal-President tal-Bord" għandhom jiġu sostitwiti bil-kliem "taċ-Chairperson tat-Tribunal tal-Appelli għall-Protezzjoni Internazzjonali" u l-kelma "il-Bord" għandha tiġi sostitwita bil-kelma "it-Tribunal";

(e) fis-subartikolu (5) tiegħu, il-kliem "il-President tal-Bord" għandhom jiġu sostitwiti bil-kliem "iċ-Chairperson tat-Tribunal tal-Appelli għall-Protezzjoni Internazzjonali" u l-kelma "Kummissarju" għandha tiġi sostitwita bil-kliem "Aġenzija għall-Protezzjoni Internazzjonali"; u

(f) fis-subartikolu (8) tiegħu, il-kliem "*prima facie*" għandhom jiġu mhassra.

21. L-artikolu 24 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 24 tal-Att prinċipali.

(a) is-subartikolu (1) tiegħu għandu jiġi emendat kif ġej:

(i) paragrafu (d) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(d) l-applikant għamel applikazzjoni sussegwenti, fejn l-ebda elementi jew konklużjonijiet godda relatati mal-eżami dwar jekk l-applikant jikkwalifikax bħala benefiċjarju ta' protezzjoni internazzjonali, ma nqalghu jew ma ġew preżentati mill-applikant skont id-dispożizzjonijiet tas-subartikoli (4) u (5) tal-artikolu 7A;"

(ii) fil-paragrafu (e) tiegħu, minnufih wara l-kliem "applikazzjoni separata;" għandha tiżdied il-kelma "jew";

(iii) fil-paragrafu (f) tiegħu, il-kliem "f'dak il-pajjiż; jew" għandhom jiġu sostitwiti bil-kliem "f'dak il-pajjiż."; u

(iv) il-paragrafu (g) tiegħu għandu jiġi mhassar; u

(b) fis-subartikolu (3) tiegħu, il-kelma "Il-Kummissarju" għandha tiġi sostitwita bil-kliem "L-Aġenzija għall-Protezzjoni Internazzjonali".

22. Fil-paragrafu (b) tas-subartikolu (1) tal-artikolu 25 tal-Att prinċipali, il-kliem "jirregolaw bi ftehim mal-Bord tal-Appelli dwar ir-Rifuġjati appelli taht dan l-Att quddiem il-Bord tal-Appelli dwar ir-Rifuġjati" għandhom jiġu sostitwiti bil-kliem "jirregolaw bi ftehim mat-Tribunal tal-Appelli għall-Protezzjoni Internazzjonali appelli taht dan l-Att quddiem it-Tribunal tal-Appelli għall-Protezzjoni Internazzjonali".

Emenda tal-artikolu 25 tal-Att prinċipali.

**TAQSIMA II**  
**Emendi Konsegwanzjali tar-Regolamenti dwar l-Istandards ta' Proċedura għall-Għoti u l-Irtirar tal-Protezzjoni Internazzjonali**

Emendi għar-Regolamenti dwar l-Istandards ta' Proċedura għall-Għoti u l-Irtirar tal-Protezzjoni Internazzjonali. L.S. 420. 07.

**23.** Din it-Taqsima temenda r-Regolamenti dwar l-Istandards ta' Proċedura għall-Għoti u l-Irtirar tal-Protezzjoni Internazzjonali u għanda tinqara u tinftiehem haġa waħda mar-Regolamenti dwar l-Istandards ta' Proċedura għall-Għoti u l-Irtirar tal-Protezzjoni Internazzjonali, hawn iżjed 'il quddiem f'din it-Taqsima msejha "ir-regolamenti prinċipali".

Emendi generali.

**24.** (a) Fir-regolamenti prinċipali, kwalunkwe referenza għal "Kummissarju" li tfisser il-"Kummissarju għar-Rifugjati" u għall-"Kummissarju tar-Rifugjati" għandha tinqara u tinftiehem, wara d-dhul fis-sehħ ta' dan l-Att, bħala referenza għall-"Aġenzija għall-Protezzjoni Internazzjonali"; u

(b) Fir-regolamenti prinċipali, kwalunkwe referenza għall-"Bord" li tfisser "Bord tal-Appelli dwar ir-Rifugjati" għandha tinqara u tinftiehem, wara d-dhul fis-sehħ ta' dan l-Att, bħala referenza għat-"Tribunal tal-Appelli għall-Protezzjoni Internazzjonali".

Emenda tar-regolament 3 tar-regolamenti prinċipali

**25.** Ir-regolament 3 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:

(a) it-tifsira "l-Att" għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

" "l-Att" tfisser l-Att dwar il-Protezzjoni Internazzjonali;"

(b) fit-tifsira "applikant", il-kliem "deċiżjoni finali mill-Kummissarju jew mill-Bord tal-Appell dwar ir-Rifugjati rigward l-applikazzjoni;" għandhom jiġu sostitwiti bil-kliem "deċiżjoni finali mill-Aġenzija għall-Protezzjoni Internazzjonali jew mit-Tribunal tal-Appelli għall-Protezzjoni Internazzjonali rigward l-applikazzjoni;"

(ċ) it-tifsira "awtorità li tiddeċiedi" għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

" "awtorità li tiddeċiedi" tfisser l-Aġenzija għall-Protezzjoni Internazzjonali;"

(d) it-tifsira "awtoritajiet kompetenti" għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

" "awtoritajiet kompetenti" tfisser l-Aġenzija għall-Protezzjoni Internazzjonali;

(e) it-tifsira "il-Bord" għandha tiġi mħassra;

(f) it-tifsira "Kummissarju" għandha tiġi mħassra; u

(g) minnufih wara t-tifsira "rappreżentat" għandu jizjed it-tifsir ġdid li ġej:

" "it-Tribunal tal-Appelli għall-Protezzjoni Internazzjonali" tfisser it-Tribunal tal-Appelli għall-Protezzjoni Internazzjonali kif imwaqqaf bl-artikolu 5 tal-Att;

"l-Uffiċjali Kap Eżekuttiv" għandu jkollha l-istess tifsira kif mogħtija lilha bl-artikolu 4 tal-Att u tinkludi fil-limitu u l-awtorità mogħtija, kull persuna oħra temporanjament awtorizzata tagħxi f'ismu mill-Ministru;"

**26.** Fis-subregolament (1) tar-regolament 13 tar-regolamenti prinċipali, il-kliem "fil-fajl tal-applikant." għandhom jiġu sostitwiti bil-kliem "fil-fajl tal-applikant:" u minnufih wara għandhom jiġu miżjuda l-provisos ġodda li ġejjin:

Emenda tar-regolament 13 tar-regolamenti prinċipali.

"Iżda l-Aġenzija għall-Protezzjoni Internazzjonali tista' tiddeċiedi li l-protezzjoni internazzjonali għandha tiskadi meta l-benefiċjarju tal-protezzjoni internazzjonali jkun irrinunzja inekwivokament għall-protezzjoni tiegħu. Ir-rinunzja inekwivoka għall-protezzjoni għandha tinkludi *inter alia*:

(a) dikjarazzjoni bil-miktub mill-benefiċjarju li tikkonferma li qed jirrinunzja għall-istatus tal-protezzjoni tiegħu; jew

(b) nuqqas ta' tiġdid ta' protezzjoni internazzjonali fi żmien tmax (12)-il xahar mill-iskadenza tal-validità tal-imsemmija protezzjoni jew tat-tiġdid tagħha:

Iżda wkoll f'każ li benefiċjarju tal-protezzjoni internazzjonali li jkun irrinunzja inekwivokament għall-protezzjoni tiegħu sussegwentement jagħmel talba personalment lill-Aġenzija għall-Protezzjoni Internazzjonali sabiex jerga' jingħata l-istatus tal-protezzjoni internazzjonali tiegħu, l-Aġenzija għall-Protezzjoni Internazzjonali għandha tirrevedi t-talba tiegħu sabiex tiddetermina jekk il-protezzjoni internazzjonali għandhiex tingħata għal darb'ohra, sakemm il-persuna kkonċernata tkun

għadha tissodisfa l-kriterji tal-eligibilità u mhux eskluża mill-protezzjoni internazzjonali."

Emenda tar-regolament 16 tar-regolamenti prinċipali.

**27.** Ir-regolament 16 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:

(a) fis-subregolament (1) tiegħu, il-kelma "il-Kummissarju" għandha tiġi sostitwita bil-kliem "l-Aġenzija għall-Protezzjoni Internazzjonali"; u

(b) il-proviso għas-subregolament (3) tiegħu għandu jiġi sostitwit bil-proviso ġdid li ġej:

"Iżda l-eċċezzjoni msemmija f'dan ir-regolament tista' ssir biss sakemm l-Aġenzija għall-Protezzjoni Internazzjonali jew it-Tribunal tal-Appelli għall-Protezzjoni Internazzjonali ma jindikawx, permezz ta' avviż bil-miktub, li d-deċiżjoni tar-ritorn fir-rigward tal-persuna kkonċernata tkun se twassal direttament jew indirettament għal *refoulement*."

Emenda tar-regolament 19 tar-regolamenti prinċipali.

**28.** Is-subparagrafu (iii) tal-paragrafu (d) tas-subregolament (1) tar-regolament 19 tar-regolamenti prinċipali għandu jiġi sostitwit bis-subparagrafu ġdid li ġej:

"(iii) skont iċ-ċirkostanzi fil-pajjiż tal-orijini, grupp soċjali partikolari jista' jinkludi grupp ibbażat fuq karatteristika komuni jew orjentazzjoni sesswali. L-orjentazzjoni sesswali ma tistax tinftiehem li tinkludi atti meqjusa bħala atti kriminali f'Malta. Is-sess u aspetti relatati mas-sess, inklużi l-identità tal-generu, l-espressjoni tal-generu u l-karatteristiċi tas-sess, għandhom jingħataw konsiderazzjoni xierqa għall-finijiet tad-determinazzjoni tas-sħubija ma' grupp soċjali partikolari jew l-identifikazzjoni ta' karatteristika ta' dan il-grupp;"

Emenda tar-regolament 20 tar-regolamenti prinċipali.

**29.** Minnufih wara s-subregolament (3) tar-regolament 20 tar-regolamenti prinċipali għandu jiżdied is-subregolament ġdid li ġej:

"(4) Il-benefiċjarji tal-protezzjoni umanitarja temporanja għandhom ikunu intitolati għall-istess drittijiet u benefiċċji bħal dawk għall-benefiċjarji tal-protezzjoni sussidjarja; iżda d-durata tal-protezzjoni għall-benefiċjarji tal-protezzjoni umanitarja temporanja għandha tkun ta' sena u għandha tiġi mġedda. Dokumenti maħruġa lil dawn il-persuni għandu jkollhom l-istess perjodu ta' validità bħal tal-protezzjoni tagħhom."

**TAQSIMA III**  
**Emendi tal-Liġijiet ta' Malta**

**30.** Il-Liġijiet ta' Malta għandhom jiġu emendati kif ġej:

Emendi għal-  
Liġijiet ta'  
Malta.

(a) kwalunkwe referenza f'kull liġi oħra għall-"Kummissarju" li tfisser il-Kummissarju għar-Rifugjati għandha tinqara u tinftiehem, wara d-dhul fis-seħh ta' dan l-Att, bħala referenza għall-"Aġenzija għall-Protezzjoni Internazzjonali";

(b) kwalunkwe referenza f'kull liġi oħra għall-"Uffiċċju tal-Kummissarju għar-Rifugjati" għandha tinqara u tinftiehem, wara d-dhul fis-seħh ta' dan l-Att, bħala referenza għall-"Aġenzija għall-Protezzjoni Internazzjonali";

(c) kwalunkwe referenza fi kwalunkwe liġi oħra għall-"Assistenti Kummissarji" li tfisser l-Assistenti Kummissarji tar-Rifugjati għandha tinqara u tinftiehem, wara d-dhul fis-seħh ta' dan l-Att, bħala referenza għal "Deputat tal-Uffiċċjal Kap Eżekuttiv tal-Aġenzija għall-Protezzjoni Internazzjonali"; u

(d) kwalunkwe referenza għall-"Bord ta' Appelli għar-Rifugjati" għandha tinqara u tinftiehem, wara d-dhul fis-seħh ta' dan l-Att, bħala referenza għat-"Tribunal tal-Appelli għall-Protezzjoni Internazzjonali".

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 366 tad-29 ta' Lulju, 2020.

CLAUDETTE BUTTIGIEG  
*Deputy Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

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I assent.

(L.S.)

**GEORGE VELLA**  
**President**

7th August, 2020

**ACT No. XL of 2020**

*AN ACT to amend the Refugees Act, Cap. 420.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title.

**1.** The short title of this Act is the Refugees (Amendment) Act, 2020.

**PART I**

**Amendments to the Refugees Act**

Amendments to  
the Refugees  
Act.  
Cap. 420.

**2.** This Part amends the Refugees Act and it shall be read and construed as one with the Refugees Act, hereinafter in this Part referred to as "the principal Act".

Amendment of  
article 1 of the  
principal Act.

**3.** In article 1 of the principal Act, the word "Refugees" shall be substituted by the words "International Protection".

4. Article 2 of the principal Act shall be amended as follows:

Amendment of  
article 2 of the  
principal Act.

(a) in the definition "applicant", the words "taken by the Commissioner or the Refugees Appeals Board" shall be substituted by the words "taken by the International Protection Agency or the International Protection Appeals Tribunal";

(b) the definition "the Board" shall be deleted;

(c) the definition "the Commissioner" shall be deleted;

(d) immediately after the definition "beneficiary of international protection" there shall be added the following new definition:

" "the Chief Executive Officer" means the same as the meaning given to it by article 4 and includes, to the extent and authority given, any other person temporarily authorised on that behalf by the Minister;"

(e) the definition "determining authority" shall be substituted by the following new definition:

" "determining authority" means the International Protection Agency;"

(f) the definition "manifestly unfounded application" shall be substituted by the following new definition:

" "manifestly unfounded" application means an application in relation to which:

(a) the applicant, in submitting his application and presenting the facts, has only raised issues that are not relevant to the examination of whether he qualifies as a beneficiary of international protection; or

(b) the applicant is from a safe country of origin; or

(c) the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his identity and/or nationality that could have had a negative impact on the decision; or

(d) it is likely that, in bad faith, the applicant

has destroyed or disposed of an identity or travel document that would have helped establish his identity or nationality; or

(e) the applicant has made clearly inconsistent and contradictory, clearly false or obviously improbable representations which contradict sufficiently verified country-of-origin information, thus making his claim clearly unconvincing in relation to whether he qualifies as a beneficiary of international protection; or

(f) the applicant has introduced a subsequent application for international protection that is not inadmissible in accordance with article 24(1)(e); or

(g) the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his removal; or

(h) the applicant entered Malta unlawfully or prolonged his stay unlawfully and, without good reason, has either not presented himself to the authorities or has not made an application for international protection as soon as possible, given the circumstances of his entry; or

(i) the applicant refuses to comply with an obligation to have his fingerprints taken in accordance with Regulation (EU) No. 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of Eurodac for the comparison of fingerprints for the effective application of Regulation (EU) No. 604/2013 establishing the criteria and mechanisms for determining the Member States responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes; or

(j) the applicant may, for serious reasons, be considered a danger to national security or public order, or the applicant has been forcibly expelled for

serious reasons of public security or public order under national law.";

(g) immediately after the definition "subsidiary protection status" there shall be added the following new definition:

" "the Tribunal" means the International Protection Appeals Tribunal as established by article 5;" and

(h) in the definition "withdrawal of international protection", the words "the Commissioner" shall be substituted by the words "the International Protection Agency".

5. The title of Part II of the principal Act shall be substituted by the words "Chief Executive Officer".

Amendment of the title of Part II of the principal Act.

6. Article 4 of the principal Act shall be amended as follows:

Amendment of article 4 of the principal Act.

(a) in the marginal note thereof, the words "Refugee Commissioner" shall be substituted by the words "Chief Executive Officer";

(b) in sub-article (1) thereof, the words "The Commissioner" shall be substituted by the words "The Chief Executive Officer";

(c) in sub-article (2) thereof, the words "The Commissioner" shall be substituted by the words "The Chief Executive Officer";

(d) in sub-article (3) thereof, the words "The Commissioner" shall be substituted by the words "The Chief Executive Officer";

(e) in sub-article (4) thereof, the words "the Commissioner" wherever they occur shall be substituted by the words "the Chief Executive Officer";

(f) sub-article (5) thereof shall be amended as follows:

(i) in paragraph (a) thereof, the words "such number of Assistant Refugee Commissioners (hereinafter referred to as Assistant Commissioners)" shall be substituted by the words "a Deputy to the Chief Executive Officer (hereinafter referred to as the Deputy)";

(ii) in paragraph (b) thereof, the words "Assistant

Commissioners" shall be substituted by the word "Deputy"; and

(iii) paragraph (c) thereof shall be substituted by the following new paragraph:

"(c) the Deputy shall under the general direction of the Chief Executive Officer have such functions and powers as are conferred on the Chief Executive Officer by this Act, and are assigned to him by the Chief Executive Officer, including the function and power to examine applications for refugee status and to administer the oath to any person, and any reference in this Act, other than in this article, to the Chief Executive Officer shall be deemed to include as well a reference to the Deputy in the exercise of any function assigned to him by the Chief Executive Officer."

Substitution of article 5 of the principal Act.

7. Article 5 of the principal Act shall be substituted by the following new article:

"International Protection Appeals Tribunal.

5. (1) The International Protection Appeals Tribunal shall consist of one (1) chairperson on a full-time basis and two (2) or more members on a part-time basis who shall be appointed by the President acting on the advice of the Prime Minister from amongst persons of known integrity who appear to him to be qualified by reason of having had experience of, and shown capacity in, matters deemed appropriate for the purpose:

Provided that at least one (1) of the members of the Tribunal shall be a person who has practised as an advocate in Malta for a period or periods amounting, in the aggregate, to not less than seven (7) years:

Provided further than one (1) of the members shall be a person representing the disability sector.

(2) The President, acting on the advice of the Prime Minister, may appoint more than one (1) chairperson to sit on the Tribunal, but only one (1) chairperson shall sit in any one case.

(3) The members of the Tribunal shall hold office for a period of three (3) years, and shall be eligible for reappointment.

(4) Persons appointed as members of the Tribunal shall hold office until their successors are appointed.

(5) The Tribunal shall be composed of one (1) or more chambers. Each chamber shall consist of a chairperson and two (2) other members.

(6) The Tribunal shall be assisted by administrative staff consisting of at least two(2) secretaries."

8. Article 6 of the principal act shall be substituted by the following new article: Substitution of article 6 of the principal Act.

"6. A member of the Tribunal may only be removed from office by the President acting on the advice of the Prime Minister on grounds of gross negligence, incompetence, or acts, omissions or conduct unbecoming a member of the Tribunal."

9. Article 7 of the principal Act shall be amended as follows: Amendment of article 7 of the principal Act.

(a) sub-articles (4) to (6) thereof shall be renumbered as sub-articles (3) to (5) respectively and sub-articles (7) to (10) shall be renumbered as sub-articles (8) to (11) respectively;

(b) in sub-article (1) thereof, the words "The Board shall have power to hear and determine appeals against a recommendation of the Commissioner" shall be substituted by the words "The Tribunal shall have power to hear and determine appeals against a decision of the International Protection Agency";

(c) sub-article (1A) thereof shall be amended as follows:

(i) the words "may be permitted" shall be substituted by the words "shall lie"; and

(ii) in sub-paragraph (ii) of paragraph (a) thereof, the words "Refugees Appeals Board" shall be substituted by the words "International Protection Appeals Tribunal";

(d) sub-article (2) thereof shall be substituted by the following new sub-article:

"(2) Appeals to the Tribunal shall be made within fifteen (15) days from the notification on the applicant of the decision of the International Protection Agency. A copy of the appeal shall be served on the Chief Executive Officer:

Provided that the Tribunal may assume that the applicant has implicitly withdrawn his application of appeal when it is ascertained that:

(a) he has failed to provide information essential to his appeal unless the applicant demonstrates, within a reasonable time, that his failure was due to circumstances beyond his control;

(b) he has abandoned or left without authorisation the place where he lived or was held, without contacting the competent authorities within a reasonable time or he has not, within thirty (30) days, complied with reporting duties or other obligations to communicate.";

(e) sub-article (3) thereof shall be deleted;

(f) in sub-article (3) thereof, as renumbered, the words "Refugees Appeals Board" shall be substituted by the words "International Protection Appeals Tribunal";

(g) sub-article (5) thereof, as renumbered, shall be substituted by the following new sub-article:

"(5) The Tribunal may hold an oral hearing if it so deems fit. Such oral hearings shall be held *in camera*, unless the Tribunal authorizes such hearing to be public, after a request by one of the parties, or if the Tribunal so deems fit.";

(h) immediately after sub-article (5), as renumbered, there shall be added the following sub-articles:

"(6) The Tribunal shall require applicants to make written submissions within not more than fifteen (15) days following the submission of the appeal application. The submission shall be made without prejudice to the presentation of additional evidence, particularly documentation that could not have been available when the submission was made, in the course of the proceedings.

(7) Without prejudice to article 23, the Tribunal shall ensure that each case is concluded within three (3) months of the lodging the appeals application.

In cases involving complex issues of fact or law, the time-limit set out in sub-article (1) may be prolonged by an additional three (3) month period. This time limit may only be further extended where exceptional circumstances make it impossible for the Tribunal to decide on the appeal

within a total period of six (6) months.";

(i) in sub-article (8), as renumbered, the word "Board" shall be substituted by the word "Tribunal";

(j) sub-article (9), as renumbered, shall be substituted by the following new sub-article:

"(9) Subject to regulations made under article 25(1)(b), the Tribunal shall regulate its own procedure. The Tribunal shall also through the Chairperson have the power to administer an oath to any person appearing before it.";

(k) in sub-article (10), as renumbered, the word "Board" shall be substituted by the word "Tribunal"; and

(l) in sub-article (11), as renumbered, the word "Board" shall be substituted by the word "Tribunal" and the words "the Commissioner" shall be substituted by the words "the International Protection Agency".

**10.** Article 7A of the principal Act shall be amended as follows:

Amendment of article 7A of the principal Act.

(a) in sub-article (1) thereof, the words "the Commissioner for Refugees" shall be substituted by the words "the International Protection Agency"; and

(b) in sub-article (8) thereof, the words "the Refugee Commissioner" shall be substituted by the words "the International Protection Agency".

**11.** In sub-article (1) of article 8 of the principal Act, the words "the Commissioner" shall be substituted by the words "the International Protection Agency".

Amendment of article 8 of the principal Act.

**12.** Sub-article (2) of article 9 of the principal Act shall be substituted by the following new sub-article:

Amendment of article 9 of the principal Act.

"(2) A person who is notified that he has ceased to possess refugee status shall be entitled to appeal against such decision to the Tribunal within fifteen (15) days of such notification and the provisions of article 7 shall *mutatis mutandis* apply to such appeal. The decision of the Tribunal shall be final.".

**13.** Article 10 of the principal Act shall be substituted by the

Substitution of article 10 of the principal Act.

following new article:

"Revocation of, ending of or refusal to renew refugee status.

10. (1) The International Protection Agency shall revoke, end or refuse to renew the refugee status of a third-country national or a stateless person, if he has ceased to be a refugee in accordance with article 9.

(2) Without prejudice to the duty of the refugee to disclose all facts and provide all relevant documentation at his disposal, the International Protection Agency shall be entitled to demonstrate that the person concerned has ceased to be or has never been a refugee in accordance with sub-article (1) of this article.

(3) The International Protection Agency shall revoke, end or refuse to renew the refugee status of a third-country national or stateless person if, after he has been granted refugee status, it is established that:

(a) he should have been or is excluded from being a refugee in accordance with article 12;

(b) his misrepresentation or omission of facts, including the use of false documents, was decisive for the granting of refugee status.

(4) The International Protection Agency may revoke, end or refuse to renew the status granted to a refugee when:

(a) there are reasonable grounds for regarding him as a danger to national security;

(b) he, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community.

(5) A person whose refugee status is being reconsidered shall be informed in writing that his qualification for refugee status is being reconsidered, is given reasons for such reconsideration and is given the opportunity to submit, in a personal interview or in a written statement, his reasons as to why his refugee status should not be withdrawn.

(6) A person, in whose regard the International Protection Agency has revoked or refused to renew a refugee status, shall be entitled to appeal against the revocation to the Tribunal within one week of the notification of the revocation on him, and the provisions of article 7 shall *mutatis mutandis* apply."

Amendment of article 13 of the principal Act.

14. Article 13 of the principal Act shall be amended as follows:

(a) in the marginal note thereof, the word "Resettlement"

shall be substituted by the words "Applications for International Protection";

(b) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) A person seeking international protection in Malta may apply to the International Protection Agency in the prescribed form for a declaration and shall be interviewed by the International Protection Agency as soon as practicable."; and

(c) immediately after sub-article (3) thereof there shall be added the following sub-article:

"(4) The International Protection Agency shall immediately inform the competent authorities once an unaccompanied minor makes an application for international protection."

**15.** In article 16 of the principal Act, the words "The Commissioner" shall be substituted by the words "The International Protection Agency". Amendment of article 16 of the principal Act.

**16.** Article 17 of the principal Act shall be amended as follows: Amendment of article 17 of the principal Act.

(a) in sub-article (1) thereof, the word "Commissioner", wherever it occurs, shall be substituted by the words "International Protection Agency"; and

(b) in sub-article (3) thereof, the words "The Refugee Commissioner" shall be substituted by the words "The International Protection Agency".

**17.** Immediately after article 17 of the principal Act there shall be added the following new article: Addition of new article to the principal Act.

"Temporary humanitarian protection.

17A. (1) The International Protection Agency may declare that temporary humanitarian protection is granted to an applicant for international protection who does not qualify for refugee status or subsidiary protection status, but who is deemed to qualify for protection on humanitarian grounds. Such temporary humanitarian protection may be granted to:

(a) an unaccompanied minor who cannot be returned to his country of origin pursuant to the principle of the best interests of the child;

(b) an applicant who is terminally ill or suffers from a severe or life-threatening medical condition that cannot be treated in the applicant's country of origin or in the country of former habitual residence for persons who are recognised as being stateless, or if treatment is available, he would not have access to such treatment; and

(c) to an applicant who cannot be returned in view of other humanitarian considerations. Such considerations may include, *inter alia*, cases of serious disability that significantly affect the applicant's ability to conduct a normal life:

Provided that a third country national or a stateless person is excluded from being eligible for temporary humanitarian protection where there are serious reasons for considering that:

(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes or is a person who instigates or otherwise participates in the commission of such crimes; or

(b) he has committed a serious crime; or

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations; or

(d) he constitutes a danger to the community or to national security:

Provided that paragraphs (a), (b), (c) and (d) shall also apply to persons who instigate or otherwise participate in the commission of the crimes or acts mentioned therein:

Provided further that the decision concerning the granting of temporary humanitarian protection shall be given in conjunction with the formal determination that the applicant does not meet the criteria of a refugee or a beneficiary of subsidiary protection under this Act:

Provided further that temporary humanitarian protection may also be considered in respect of applicants whose application has been rejected by a final decision, who make a request for temporary humanitarian protection and who fall under one of the grounds listed in sub-article (1):

Provided further that no appeal shall lie from a decision by the International Protection Agency not to grant temporary humanitarian protection.

(2) The status may be revoked, ended or not renewed whenever the conditions under which it was granted no longer subsist, or if after being granted temporary humanitarian protection, the beneficiary should have been or is excluded from being eligible for temporary humanitarian protection in accordance with sub-article (1):

Provided that the International Protection Agency shall be empowered to set up the necessary procedures to ensure that an applicant qualifies for temporary humanitarian protection and that he still meets the necessary eligibility criteria:

Provided further that no appeal shall lie from a decision by the International Protection Agency to revoke, end or not renew temporary humanitarian protection.

(3) A decision by the International Protection Agency to declare an applicant for international protection a beneficiary of temporary humanitarian protection shall be without prejudice to the right of the applicant to appeal the decision not to grant refugee or subsidiary protection status:

Provided that the provisions of article 22 shall apply, *mutatis mutandis*, to beneficiaries of temporary humanitarian protection."

**18.** In article 21 of the principal Act, the words "the Commissioner" shall be substituted by the words "the International Protection Agency". Amendment of article 21 of the principal Act.

**19.** Article 22 of the principal Act shall be substituted by the following new article: Substitution of article 22 of the principal Act.

"Revocation of, ending of or refusal to renew subsidiary protection status.

22. (1) The International Protection Agency shall revoke, end or refuse to renew the subsidiary protection status of a third-country national or a stateless person if he has ceased to be eligible for subsidiary protection in accordance with article 21.

(2) The International Protection Agency may revoke, end or refuse to renew the subsidiary protection status of a third-country national or a stateless person if after having been granted subsidiary protection status, he or she should have been excluded from being eligible for subsidiary protection.

(3) The International Protection Agency shall revoke, end or refuse to renew the subsidiary protection status of a third-country national or stateless person, if:

(a) he, after having been granted subsidiary protection status, should have been excluded from being eligible for subsidiary protection;

(b) his misrepresentation or omission of facts, including the use of false documents, was decisive for the granting of subsidiary protection status.

(4) A person whose subsidiary protection status is being reconsidered, shall be informed in writing that his qualification as a beneficiary of subsidiary protection status is being reconsidered, is given reasons for such reconsideration and is given the opportunity to submit, in a personal interview or in a written statement, his reasons as to why his subsidiary protection status should not be withdrawn.

(5) Without prejudice to the duty of the third-country national or stateless person to disclose all relevant facts and provide all relevant documentation at his disposal, the International Protection Agency shall be entitled to demonstrate that the person concerned has ceased to be or is not eligible for subsidiary protection in accordance with sub-articles (1), (2) and (3) of this article.

(6) A person, in whose regard the International Protection Agency has revoked or refused to renew a subsidiary protection status, shall be entitled to appeal against the revocation to the Tribunal within one week of the notification of the revocation on him, and the provisions of article 7 shall *mutatis mutandis* apply."

Amendment of article 23 of the principal Act.

**20.** Article 23 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, the words "prima facie" shall be deleted;

(b) in sub-article (2) thereof, the word "Commissioner", wherever it occurs, shall be substituted by the words "International

Protection Agency"; the words "prima facie" shall be deleted; and the word "recommend" shall be substituted by the word "decide";

(c) in sub-article (3) thereof, the word "recommendation", wherever it occurs, shall be substituted by the word "decision"; the words "the Chairman of the Board" shall be substituted by the words "the Chairperson of the International Protection Appeals Tribunal"; and the word "Commissioner" shall be substituted by the words "International Protection Agency";

(d) in sub-article (4) thereof, the words "the Chairman of the Board" shall be substituted by the words "the Chairperson of the International Protection Appeals Tribunal" and the word "Board" shall be substituted by the word "Tribunal";

(e) in sub-article (5) thereof, the words "the Chairman of the Board" shall be substituted by the words "the Chairperson of the International Protection Appeals Tribunal"; and the word "Commissioner" shall be substituted by the words "International Protection Agency"; and

(f) in sub-article (8) thereof, the words "prima facie" shall be deleted.

**21.** Article 24 of the principal Act shall be amended as follows:

Amendment of article 24 of the principal Act.

(a) sub-article (1) thereof shall be amended as follows:

(i) paragraph (d) thereof shall be substituted by the following new paragraph:

"(d) the applicant made a subsequent application, where no new elements or findings relating to the examination of whether the applicant qualifies as a beneficiary of international protection have arisen or have been presented by the applicant in accordance with the provisions of sub-articles (4) and (5) of article 7A;"

(ii) in paragraph (e) thereof, immediately after the words "a separate application;" there shall be added the word "or";

(iii) in paragraph (f) thereof, the words "to that country; or" shall be substituted by the words "to that country."; and

(iv) paragraph (g) thereof shall be deleted; and

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(b) in sub-article (3) thereof, the words "The Commissioner" shall be substituted by the words "The International Protection Agency".

Amendment of article 25 of the principal Act.

**22.** In paragraph (b) of sub-article (1) of article 25 of the principal Act, the words "with the concurrence of the Refugees Appeals Board, appeals under this Act to the Refugees Appeals Board" shall be substituted by the words "with the concurrence of the International Protection Appeals Tribunal, appeals under this Act to the International Protection Appeals Tribunal".

## PART II

### Consquential Amendments to the Procedural Standards for Granting and Withdrawing International Protection Regulations

Amendments to the Procedural Standards for Granting and Withdrawing International Protection Regulations. S.L. 420. 07.

**23.** This Part amends the Procedural Standards for Granting and Withdrawing International Protection Regulations and it shall be read and construed as one with the Procedural Standards for Granting and Withdrawing International Protection Regulations, hereinafter in this Part referred to as "the principal regulations".

General amendments.

**24.** (a) Any reference to "Commissioner" meaning the Refugee Commissioner and Commissioner of Refugees shall be read and construed, after the coming into force of this Act, as a reference to the "International Protection Agency"; and

(b) Any reference to "Board" meaning the "Refugees Appeals Board" shall be read and construed, after the coming into force of this Act, as a reference to the "International Protection Appeals Tribunal".

Amendment of regulation 3 of the principal regulations.

**25.** Regulation 3 of the principal regulations shall be amended as follows:

(a) the definition "Act" shall be substituted by the following new definition:

" "Act" means the International Protection Act;"

(b) in the definition "applicant" the words "taken by the Commissioner or the by Refugees Appeals Board" shall be substituted by the words "taken by the International Protection Agency or by the International Protection Appeals Tribunal";

(c) the definition "the Board" shall be deleted;

(d) the definition "the Commissioner" shall be deleted;

(e) immediately after the definition "applicant in need of special guarantees" there shall be added the following new definition:

" "the Chief Executive Officer" means the same as the meaning given to it by article 4 of Act and includes, to the extent and authority given, any other person temporarily authorised on that behalf by the Minister;"

(f) the definition "competent authorities" shall be substituted by the following new definition:

" "competent authorities" means the International Protection Agency;"

(g) the definition "determining authority" shall be substituted by the following new definition:

" "determining authority" means the International Protection Agency;" and

(h) immediately after the definition "representative" there shall be added the following new definition:

" "the Tribunal" means the International Protection Appeals Tribunal as established by article 5 of the Act;"

**26.** In sub-regulation (1) of regulation 13 of the principal regulations, the words "applicant's file." shall be substituted by the words "applicant's file:" and immediately thereafter there shall be added the following new provisos:

Amendment of regulation 13 of the principal regulations.

"Provided that the International Protection Agency may decide that international protection shall lapse where the beneficiary of international protection has unequivocally renounced his protection. Unequivocal renunciation of protection shall include *inter alia*:

(a) a written statement by the beneficiary confirming that he is renouncing his protection status; or

(b) failure to renew international protection within a period of twelve (12) months from the lapse of the validity of said protection or its renewal:

Provided further that in case a beneficiary of international protection who has unequivocally renounced his protection subsequently makes a request in person to the International

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Protection Agency to have his international protection status reinstated, the International Protection Agency shall review his request to determine whether international protection should once again be granted, provided that the person concerned still meets the eligibility criteria and is not excluded from international protection."

Amendment of regulation 16 of the principal regulations.

**27.** Regulation 16 of the principal regulations shall be amended as follows:

(a) in sub-regulation (1) thereof, the words "the Commissioner" shall be substituted by the words "the International Protection Agency"; and

(b) the proviso to sub-regulation (3) thereof shall be substituted by the following new proviso:

"Provided that the exception referred to in this regulation may only be made so long as the International Protection Agency or the International Protection Appeals Tribunal do not indicate, by means of a notice in writing, that the return decision in respect of the person in question would constitute direct or indirect refoulement."

Amendment of regulation 19 of the principal regulations.

**28.** Sub-paragraph (iii) of paragraph (d) of sub-regulation (1) of regulation 19 of the principal regulations shall be substituted by the following new sub-paragraph:

"(iii) depending on the circumstances in the country of origin, a particular social group might include a group based on a common characteristic or sexual orientation. Sexual orientation cannot be understood to include acts considered to be criminal in Malta. Gender and sex related aspects, including gender identity, gender expression and sex characteristics, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group;"

Amendment of regulation 20 of the principal regulations.

**29.** Immediately after sub-regulation (3) of regulation 20 of the principal regulations there shall be added the following sub-regulation:

"(4) Beneficiaries of temporary humanitarian protection shall be entitled to the same rights and benefits as for beneficiaries of subsidiary protection; provided however that the duration of protection for beneficiaries of temporary humanitarian protection shall be of one year and shall be renewable. Documents issued to such persons shall have the same period of validity as for their protection."

**PART III**  
**Amendments to the Laws of Malta**

**30.** This Part amends the Laws of Malta and they shall be amended as follows:

(a) any reference in any other law to "Commissioner" meaning the Refugee Commissioner and Commissioner of Refugees shall be read and construed, after the coming into force of this Act, as a reference to the "International Protection Agency";

(b) any reference in any other law to the "Office of the Refugee Commissioner" shall be read and construed, after the coming into force of this Act, as a reference to the "International Protection Agency";

(c) any reference in any other law to the "Assistant Commissioners" meaning the Assistant Refugee Commissioners shall be read and construed, after the coming into force of this Act, as a reference to "Deputy to the Chief Executive Officer of the International Protection Agency"; and

(d) any reference to the "Refugees Appeals Board" shall be read and construed, after the coming into force of this Act, as a reference to the "International Protection Appeals Tribunal".

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Passed by the House of Representatives at Sitting No. 366 of the 29th July, 2020.

CLAUDETTE BUTTIGIEG  
*Deputy Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*

# VERŻJONI ELETTRONIKA