

UDENRIGSMINISTERIET

J.nr. 17.F.2014-34855
Den 5. februar 2015

NOTAT

Oplysninger om vilkår for personer der tilbagesendes til Malta under henvisning til Dublin III forordningen.
Flygtningenævnets e-mail af 22.12.2014 (j.nr. 14/101512).

Flygtningenævnet har ved e-mail af 22. december 2014 anmodet Udenrigsministeriet om assistance til at fremskaffe oplysninger om vilkår for personer, der tilbagesendes til Malta under henvisning til Dublin III forordningen.

Udenrigsministeriet har på baggrund heraf, med bistand fra den danske ambassade i Rom, konsulteret det maltesiske indenrigsministerium, der har afgivet følgende skriftlige svar:

- 1) When the Dublin returnee is a family consisting of a single woman with one or more minor child(ren). Do these Dublin returnees gain access to a special program and special facilities, and what are the conditions as regards, i.e., type of accommodation and access to privacy, healthcare and education etc.? Would the situation be different depending on the age of the child(ren) (i.e. aged 1-2 years)?**

Such persons who request services from AWAS (Agency for the Welfare of Asylum Seekers) are provided to the greatest extent possible with access to dedicated reception centres, trained staff, a care team, and enjoy free state health care, free state education, access to employment. Depending on status, rights and obligations may vary.

- 2) When the Dublin returnees are a family consisting of two parents with one or more minor child(ren). Do these Dublin returnees gain access to a special program and special facilities, and will the family unit be preserved? What are the conditions as regards, i.e., type of accommodation and access to privacy, healthcare and education etc.? Would the situation be different depending on the age of the child(ren)(i.e. aged 1-2 years)?**

Such persons who request services from AWAS (Agency for the Welfare of Asylum Seekers) are provided to the greatest extent possible with access to dedicated reception centres, trained staff, a Care Team, and enjoy free state healthcare, free state education, access to employment. Depending on status, rights and obligations may vary. AWAS seeks to preserve the family unity in the in-house services provided.

- 3) When transferred to Malta, how soon after the arrival will Dublin returnees gain access to special programs and facilities for vulnerable persons,**
- i) if the person concerned has already been granted asylum or subsidiary protection in Malta before leaving the country (including in situations where the residence permit has expired while the person was abroad)?**
 - ii) if the asylum application was still under examination by the Maltese authorities when the person concerned left the country?**
 - iii) if the person concerned has lodged an asylum application in Malta, but left the country before the application was taken under examination by the Maltese authorities?**

AWAS provides its in-house services from as soon as they are requested or at the earliest possible, without prejudice to any legitimate instruction that may be given to AWAS by duly authorised individual/bodies. Services owned by other stakeholders are provided according to time frames established by that stakeholder. In practice, at present, the main stakeholder in such cases would be AWAS itself whenever returnees require services such as accommodation; however, it is technically possible for accommodation and services to be provided by NGOs.

NGOs, unless working directly for or on behalf of AWAS, would not necessarily have identical standards. However, it should be noted that AWAS does offer its services to all returnees in need. Hence, services by AWAS are not provided only if the potential service user opts for alternative arrangement out of his or her own free will.

Ambassaden har i tillæg til ovennævnte skriftlige ekspedition afholdt møder den 15. januar 2015 med de maltesiske migrationsmyndigheder samt det maltesiske indenrigsministerium og oplyser supplerende på baggrund heraf:

Alle familier med børn placeres i åbne centre, og ikke lukkede centre. Der er to typer åbne centre: Dels for enlige mænd, dels for familier og enlige kvinder med børn. Familier (herunder enlige kvinder med børn) bor sammen og har eget rum.

Det har fsva. spørgsmål 1) og 2) ikke nogen særlig betydning, om børn i familierne er helt små (1-2 år).

Med formuleringen "*to the greatest extent possible*" i de skriftlige svar henvises til, at man ikke kan udelukke en situation, hvor der meget pludseligt ankommer et meget højt antal uregelmæssige migranter. I en sådan situation, hvor centrenes kapacitet kan overstiges, vil de maltesiske myndigheder finde alternative løsninger. Pt. er der ledig kapacitet i både lukkede og åbne centre.

Med formuleringen "*depending on status, rights and obligations may vary*" i de skriftlige svar henvises primært til nogle regler om per diem til visse beboere i de åbne centre såfremt de ikke arbejder. Desuden relaterer det sig til mindre variationer i sociale serviceydelser i henhold til relevante EU-direktiver. Gratis offentlige sundhedsydelser og skolegang garanteres altid.

Fra maltesisk side præciseredes fsva. spørgsmål 3), at svaret gælder alle tre kategorier af Dublin returnees omtalt i spørgsmålet.

Udenrigsministeriet, den 5. februar 2015