Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,954, 4 ta' Novembru, 2022
Taqsima A

MALTA

ATT Nru XV tal-2022

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

ATT li jemenda l-Att dwar l-Immigrazzjoni, Kap. 217.

ACT No. XV of 2022

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Immigration Act, Cap. 217.

Nagħti l-kunsens tiegħi.

(L.S.) **GEORGE VELLA**
President

4 ta' Novembru, 2022

ATT Nru XV tal-2022

ATT biex jemenda l-Att dwar l-Immigrazzjoni, Kap. 217.

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

Titolu fil-qosor. Kap. 217.

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2022 li jemenda l-Att dwar l-Immigrazzjoni u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Att dwar l-Immigrazzjoni, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Żieda ta' artikolu ġdid mal-Att prinċipali.

2. Minnufih wara l-artikolu 5 tal-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej:

"Ħatra ta' gwardjan legali temporanju.

5A. (1) L-Uffiċjal Kap Eżekuttiv tal-Aġenzija għall-Ħarsien ta' persuni li jkunu qed ifittxu l-ażil jista' jaħtar gwardjan legali temporanju għal kull immigrant ipprojbit li huwa meqjus li għandu inqas minn tmintax (18)-il sena u li huwa meqjus li huwa fil-bżonn ta' kura, partikolarment jekk ma jkunx akkumpanjat minn membri tal-familja.

(2) Il-gwardjan legali temporanju għandu jkun responsabbli għall-persuna inkwistjoni sakemm jiġi stabbilit li ma għadhiex minuri, jew sakemm jinħatar gwardjan skont l-Att dwar il-Protezzjoni tal-Minuri (Ħarsien Alternattiv).

Kap. 602.

(3) Għall-iskop ta' dan l-artikolu, il-gwardjan legali temporanju għandu:

(a) jaġixxi fl-aħjar interessi tal-minuri;

(b) jaċċerta l-opinjonijiet u x-xewqat tal-minuri; u

(ċ) jikkollabora ma' dawk kollha involuti fil-protezzjoni.".

Emenda tal-artikolu 10 tal-Att prinċipali.

3. Is-subartikolu (1) tal-artikolu 10 tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Fejn permess sabiex tinżel l-art jiġi rrifjutat lil kwalunkwe persuna li tasal Malta fuq inġenju tal-ajru, dik il-persuna tista' titqiegħed temporanjament fuq l-art u tinżamm f'xi post approvat mill-Ministru u notifikat b'avviż fil-Gazzetta:

Iżda jekk ma jkunx possibbli li l-persuna konċernata tiġi rritornata fuq l-istess titjira li fuqha tkun waslet, pereżempju fejn it-titjira tkun telqet, il-persuna konċernata għandha tiġi rritornata fuq it-titjira disponibbli li jmiss.".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 40 tal-1 ta' Novembru, 2022.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.) **GEORGE VELLA**
President

4th November, 2022

ACT No. XV of 2022

AN ACT to amend the Immigration Act, Cap. 217.

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

Short title. Cap. 217.

1. The short title of this Act is the Immigration (Amendment) Act, 2022 and this Act shall be read and construed as one with the Immigration Act, hereinafter referred to as "the principal Act".

Addition of new article to the principal Act.

2. Immediately after article 5 of the principal Act, there shall be added the following new article:

"Appointment of an interim legal guardian.

5A. (1) The Chief Executive Officer of the Agency for the Welfare of Asylum Seekers may appoint an interim legal guardian for any prohibited migrant who is deemed to be under eighteen (18) years of age and who is considered to be in need of care, particularly if he is unaccompanied by family members.

Cap. 602.

(2) The interim legal guardian shall be responsible for the person in question until such time as it is established that he is no longer a minor, or until a guardian is appointed in terms of the Minor Protection (Alternative Care) Act.

(3) For the purpose of this article, the interim legal guardian shall:

(a) act in the best interests of the minor;

(b) ascertain the views and wishes of the minor; and

(c) collaborate with all those involved in the protection.".

Amendment of article 10 of the principal Act.

3. Sub-article (1) of article 10 of the principal Act shall be substituted by the following new sub-article:

"(1) Where leave to land is refused to any person arriving in Malta on an aircraft, such person may be placed temporarily on land and detained in some place approved by the Minister and notified by notice in the Gazette:

Provided that if it is not possible to return the person concerned on the same flight on which he would have arrived, for instance where the flight would have departed, the person concerned shall be returned on the next available flight.".

Passed by the House of Representatives at Sitting No. 40 of the 1st November, 2022.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA

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