

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,450, 10 ta' Lulju, 2015

Taqsimha C

Nru. 110

10. 07. 2015

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Carmelo Abela, M.P., Ministru għall-Intern u s-Sigurtà Nazzjonali, u moqri għall-Ewwel darba fis-Seduta tas-6 ta' Lulju, 2015.

A BILL introduced by the Honourable Carmelo Abela, M.P., Minister for Home Affairs and National Security, and read the First time at the Sitting of the 6th July, 2015.

ATT biex jemenda l-Att dwar l-Immigrazzjoni, Kap. 217, u biex jipprovdi dwar materji anċillari jew li għandhom x'jaqsmu miegħu.

AN ACT to amend the Immigration Act, Cap. 217, and to make provision with respect to matters ancillary thereto or connected therewith.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT biex jemenda l-Att dwar l-Immigrazzjoni, Kap. 217, u biex jipprovdi dwar materji ancillari jew li għandhom x'jaqsmu miegħu.

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2015 li jemenda l-Att dwar l-Immigrazzjoni u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar l-Immigrazzjoni, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor u bidu fis-sehh. Kap. 217.

(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data li l-Ministru responsabbli għall-immigrazzjoni jista' b'avviż jistabbilixxi fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti għal disposizzjonijiet differenti u għanijiet differenti ta' dan l-Att.

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

Emenda tal-artikolu 2 tal-Att prinċipali.

(a) minnufih wara t-tifsira "Bord" għandha tizdied t-tifsira ġdida li gejja:

" "ċittadin ta' pajjiż terz" tfisser kwalunkwe persuna li mhix ċittadin tal-Unjoni Ewropea fi hdan it-tifsira tal-artikolu 20 (1) tat-Trattat dwar il-Funzjonament tal-Unjoni Ewropeja u li mhux persuna li tgawdi d-dritt tal-komunità tal-moviment hieles, kif imfisser fl-artikolu 2 (5) tar-Regolament (KE) Nru 562/2006 li jistabbilixxi Kodiċi tal-Komunità dwar ir-regoli li jirregolaw il-moviment ta' persuni bejn il-fruntieri (Kodiċi tal-Fruntieri ta' Schengen);";

(b) minnufih wara t-tifsira "ċittadin ta' stat membru" għandha tizdied t-tifsira ġdida li gejja:

C 1086

" "deċiżjoni ta' ritorn" tfisser deċiżjoni maħruġa mill-Uffiċjal Prinċipali tal-Immigrazzjoni, li tgħid u tiddikjara illi ċ-ċittadin ta' pajjiż terz ikun qieghed fil-pajjiż b'mod illegali u timponi jew tiddikjara l-obbligu biex jirritorna;"

(ċ) it-tifsira "ordni ta' tneħħija" għandha tiġi sostitwita b'li ġej:

L.S. 460.17. " "ordni ta' tneħħija tfisser ordni li tinforza d-deċiżjoni ta' ritorn jew ordni magħmula fir-rigward tar-restrizzjoni tal-moviment liberu ta' Ċittadin tal-Unjoni Ewropeja u membri tal-familja tiegħu kif provdut fl-Ordni dwar il-Moviment Liberu ta' Ċittadini tal-Unjoni Ewropea u tal-Membri tal-Familji tagħhom;"

Emenda tal-artikolu 14 tal-Att prinċipali.

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

(a) fis-subartikolu (1) tiegħu l-kliem "li tista' titneħħa bħala immigrant proġbit taħt xi waħda mid-disposizzjonijiet tal-artikolu 5, dak l-Uffiċjal jista' johroġ ordni ta' tneħħija kontra dik il-persuna li jkollha dritt tappella kontra dik l-ordni skont id-disposizzjonijiet tal-artikolu 25A:" għandhom jiġu sostitwiti bil-kliem "li tista' tiġi ritornata bħala immigrant proġbit taħt xi waħda mid-disposizzjonijiet tal-artikolu 5, dak l-Uffiċjal jista' johroġ deċiżjoni ta' ritorn kontra dik il-persuna li jkollha dritt tappella kontra dik id-deċiżjoni skont id-disposizzjonijiet tal-artikolu 25A.";

(b) il-proviso tas-subartikolu (1) tiegħu għandu jiġi mhassar;

(ċ) is-subartikolu (2) tiegħu, inkluż il-proviso tiegħu, għandhom jiġu sostitwiti b'dan li ġej:

"(2) Jekk mad-deċiżjoni ta' ritorn hemm ukoll ordni ta' tneħħija, dik il-persuna li kontriha ssir dik l-ordni, tista' tinzamm taħt kustodja sakemm titneħħa minn Malta:

Iżda jekk il-persuna li dwarha tkun ingħatat deċiżjoni ta' ritorn u ordni ta' tneħħija tkun soġġetta għal proċeduri kriminali għal delitt punibbli bi prigrunerija jew qed isservi sentenza ta' prigrunerija, il-Ministru jista' jagħti direzzjoni dwar jekk is-sentenza kollha jew parti minnha għandhiex tiġi servuta qabel ma dik il-persuna tkun ġiet ritornata minn Malta, u jekk ma tingħata ebda direzzjoni,

dik il-persuna għandha titneħħa wara li tkun giet servuta s-sentenza, mingħajr preġudizzju għad-dispożizzjonijiet ta' kull liġi oħra.";

(d) fis-subartikolu (4) tiegħu l-kliem "tista' tkun parti fihom." għandhom jiġu sostitwiti bil-kliem "tista' tkun parti fihom:" u minnufih wara għandu jizdied il-proviso ġdid li ġej:

"Izda wara li tkun saret ordni ta' tneħħija mill-Uffiċjal Prinċipali tal-Immigrazzjoni skont id-dispożizzjonijiet ta' dan l-artikolu, lill-xi persuna li taħt xi dispożizzjoni tal-artikolu 5 tkun meqjusa bħala immigrant projbit, jekk dik il-persuna tkun għamlet applikazzjoni għall-asil taħt l-Att dwar ir-Rifuġjati, l-effetti kollha tal-ordni ta' tneħħija għandhom jiġu sospiżi sakemm id-deċiżjoni finali tal-applikazzjoni għall-asil tkun ittiehdet. Wara li l-applikazzjoni għall-asil tkun giet rifjutata b'deċiżjoni finali, l-ordni ta' tneħħija flimkien mal-effetti tagħha għandha terġa tigi fis-seħh:

Izda minkejja l-effetti tal-ordni ta' tneħħija jiġu sospiżi sakemm id-deċiżjoni finali tal-applikazzjoni għall-asil tkun ittiehdet, id-detenzjoni ta' dik il-persuna titkompla sakemm tintlaħaq deċiżjoni finali dwar id-detenzjoni skont ir-regolamenti maħruga taħt l-Att dwar ir-Rifuġjati:

Izda wkoll, kull meta immigrant projbit jimla' applikazzjoni għall-asil, l-Uffiċjal Prinċipali tal-Immigrazzjoni m'għandux jkun meħtieġ li joħroġ deċiżjoni ta' ritorn jew ordni ta' tneħħija.";

(e) fis-subartikolu (6) tiegħu l-kliem "mat-tkeċċija" għandhom jiġu sostitwiti bil-kliem "mar-ritorn";

(f) fis-subartikolu (7) tiegħu l-kliem "tat-tkeċċija" għandhom jiġu sostitwiti bil-kliem "tar-ritorn" u minnufih wara għandhom jizdiedu s-subartikoli ġodda li ġejjin:

"(8) L-Uffiċjal Prinċipali tal-Immigrazzjoni ma jista' jagħti ebda deċiżjoni ta' ritorn jew ordni ta' tneħħija jekk il-proċedimenti tal-appell quddiem il-Bord tal-Appell dwar l-Immigrazzjoni jkun għadhom pendenti;

C 1088

L.S. 460.17.

(9) (a) L-Uffiċjal Prinċipali tal-Immigrazzjoni għandu johroġ ordni ta' tneħħija u jesegwixxi dik l-ordni fir-rigward ta' ċittadin tal-Unjoni u l-membri tal-familja tiegħu, meta dik il-persuna titneħħa minn Malta skont id-dispożizzjonijiet tal-Ordni dwar il-Moviment Liberu ta' Ċittadini tal-Unjoni Ewropea u tal-Membri tal-Familja tagħhom.

(b) Dik il-persuna għandha tiġi miżmuma skond id-dispożizzjonijiet ta' dan l-Ordni, jekk hija ma tkunx telqet minn Malta fil-limitu ta' żmien speċifikat minn dan l-Ordni u jekk appell ma jkunx sar skont id-dispożizzjonijiet ta' dan l-Att u l-imsemmi Ordni."

Emenda tal-artikolu 17 tal-Att prinċipali.

4. Fl-artikolu 17 tal-Att prinċipali l-kliem "ebda ordni ta' tneħħija ma għandu jiġi mfixxkel u lanqas għandu jkun hemm dewmien fl-esekuzzjoni ta' dak l-ordni minhabba f'xi mandat maħruġ skont il-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili." għandhom jiġu sostitwiti bil-kliem "ebda deċiżjoni ta' ritorn jew ordni ta' tneħħija ma għandu jiġi mfixxkel u lanqas għandu jkun hemm dewmien fl-esekuzzjoni ta' dik id-deċiżjoni ta' ritorn jew ordni ta' tneħħija minhabba f'xi mandat maħruġ skont il-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili:" u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

"Izda artikolu 17 ma japplikax għall-ordnijiet mogħtija mill-Qorti Kostituzzjonali."

Emenda tal-artikolu 19 tal-Att prinċipali.

5. Fl-artikolu 19 tal-Att prinċipali l-kliem "ordni ta' tneħħija" għandhom jiġu sostitwiti bil-kliem "deċiżjoni ta' ritorn u ordni ta' tneħħija".

Emenda tal-artikolu 24 tal-Att prinċipali .

6. L-artikolu 24 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"24. Jekk xi persuna li tkun tneħħiet minn Malta taħt deċiżjoni ta' ritorn, jew deċiżjoni ta' ritorn u ordni ta' tneħħija jew taħt ordni ta' deportazzjoni, jew ordni ta' tneħħija fil-każ ta' ċittadin tal-Unjoni jew membru tal-familja tiegħu li d-dritt ta' moviment liberu ġie ristrett, f'xi żmien titlob permess biex tinżel l-art jew permess biex tinżel l-art u tibqa' Malta jew jekk titlob biex tingħata permess għal residenza, għandha tiddikjara espressament bil-miktub lill-Uffiċjal Prinċipali tal-Immigrazzjoni dik iċ-ċirkostanza. Jekk tonqos milli tagħmel hekk, kull permess tali jew permess għal residenza li

jingħatalha, jkun null u bla effett u hi tkun, minħabba biss dak in-nuqqas bla preġudizzju għal hruġ ta' deċiżjoni ta' ritorn jew ta' ordni ta' deportazzjoni taht dan l-Att, hatja ta' reat u tehel, meta tinstab hatja mill-Qorti tal-Maġistrati, multa ta' mhux iżjed minn elf, mija u hamsa u sittin euro (1,165) jew priġunerija għal żmien ta' mhux aktar minn sitt xhur jew dik il-multa u priġunerija flimkien."

7. L-artikolu 25A tal-Att prinċipali għandu jiġu emendat kif ġej: Emenda tal-artikolu 25A tal-Att prinċipali .

(a) fis-subartikolu (9) tiegħu l-kelma "tneħħija" għandha tiġi sostitwita bil-kliem "deċiżjoni ta' ritorn u ordni ta' tneħħija";

(b) is-subartikolu (10) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(10) Il-Bord għandu jagħti biss ħelsien mill-kustodja meta d-detenzjoni ta' persuna, wara li jiġu kkunsidrati ċ-ċirkostanzi kollha tal-każ, ma tkunx meħtieġa jew ma tibqax meħtieġa għar-raġunijiet elenkati taht dan l-Att jew legiżlazzjoni sussidjarja taht dan l-Att jew taht l-Att dwar ir-Rifuġjati, jew meta, f'każ ta' persuna li qed tinzamm taht detenzjoni bil-ħsieb li tiġi ritornata, ma jkun hemm ebda prospett raġonevoli li tkun ser isseħħ deportazzjoni fi żmien raġonevoli."; u

(ċ) il-paragrafu (a) tas-subartikolu (11) tiegħu għandu jiġi mħassar u l-paragrafi (b) u (ċ) tiegħu għandhom jiġu enumerati mill-ġdid bħala l-paragrafi (a) u (b) rispettivament.

8. L-artikolu 28 tal-Att prinċipali għandu jiġi enumerat bħala artikolu 28(1) u minnufih wara għandu jidher is-subartikolu (2) ġdid li ġej: Emenda tal-artikolu 28 tal-Att prinċipali.

"(2) L-Uffiċjal Prinċipali tal-Immigrazzjoni jew kwalunkwe awtorità responsabbli għall-funzjoni marbuta mal-hruġ ta' viżi u permessi ta' residenza jistgħu jeħtieġu li tiġi provduta data personali inkluzi marki tas-swaba."

9. L-artikolu 32 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 32 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu l-kliem "kemm-il darba mhix stabbilita għal dak ir-reat piena akbar b'liġi oħra." għandhom jiġu sostitwiti bil-kliem "kemm-il darba mhix stabbilita għal dak ir-reat piena akbar b'liġi oħra:" u minnufih

C 1090

wara għandu jiġi mizjud dan il-proviso ġdid li ġej:

"Iżda l-Uffiċjal Prinċipali tal-Immigrazzjoni jista' jiddeċiedi li ma jittiehdux proċeduri fuq kwalunkwe persuna li tgħin jew tassisti kwalunkwe persuna oħra fi kwalunkwe sitwazzjoni immedjata ta' periklu, sabiex tinzel l-art jew tipprova tinzel l-art jew waqt it-tranzitu minn Malta, meta dawn l-atti jkunu ġew kommissi bil-għan li jipprovdu assistenza umanitarja."; u

(b) is-subartikolu (2) tiegħu għandu jiġi mħassar u s-subartikolu (3) għandu jiġi enumerat mill-ġdid bħala s-subartikolu (2).

Emenda tal-artikolu 33 tal-Att prinċipali.

10. Fis-subparagrafu (b) tal-artikolu 33 tal-Att prinċipali minnufih wara l-kliem "ordni ta' tneħhija" għandhom jiżdiedu l-kliem "jew deċiżjoni ta' ritorn".

Emenda tal-artikolu 36 tal-Att prinċipali.

11. L-artikolu 36 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu l-kliem "elfejn u ħames mitt euro (€2,500)" għandhom jiġu sostitwiti bil-kliem "ħamest elef euro (€5,000)" u l-kliem "tliet xhur" għandhom jiġu sostitwiti bil-kliem "sitt xhur"; u

(b) fis-subartikolu (2) tiegħu, minnufih wara l-paragrafu (ċ), għandhom jiżdiedu l-paragrafi ġodda li ġejjin:

"(d) l-istandards u l-proċeduri biex jiġu ritornati ċittadini minn pajjiżi terzi b'risidenza illegali;

(e) l-implimentazzjoni b'mod aħjar tad-dispożizzjonijiet ta' dan l-Att.

Għanijiet u raġunijiet

L-għanijiet u raġunijiet ta' dan l-Abbozz huma sabiex tigi introdotta l-inklużjoni ta' terminologija konsistenti mad-Direttiva tal-Kunsill 2008/115/UE dwar *standards* u proċeduri komuni fl-Istati Membri għar-ritorn taċ-ċittadini ta' pajjiżi terzi u l-implimentazzjoni tas-Sentenzi tal-Qorti Ewropea tad-Drittijiet tal-Bniedem.

**A Bill
entitled**

AN ACT to amend the Immigration Act, Cap. 217, and to make provision with respect to matters ancillary thereto or connected therewith.

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:-

1. (1) The short title of this Act is the Immigration (Amendment) Act, 2015, and this Act shall be read and construed as one with the Immigration Act, hereinafter in this Act referred to as "the principal Act".

Short title and commencement.
Cap. 217

(2) This Act shall come into force on such a date as the Minister responsible for immigration may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of this principal Act.

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

Amendment of article 2 of the principal Act.

(a) the definition "removal order" shall be substituted by the following:

S.L. 460.17. " "removal order means an order enforcing the return decision or an order made in relation to the restriction of the free movement of a Union citizen and his family members as provided for in the Free Movement of European Union Nationals and their Family Members Order;"

(b) immediately after the definition "residence permit" there shall be added the following new definition:

" "return decision means a decision issued by the Principal

C 1092

Immigration Officer, stating or declaring the stay of a third country national to be illegal and imposing or stating an obligation to return;"; and

(c) immediately after the definition "Schengen acquis" there shall be added the following new definition:

" "third-country national" means any person who is not a national of the European Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union and who is not a person enjoying the Community right of free movement, as defined in Article 2(5) of Regulation (EC) No 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code);".

Amendment of
article 14 of the
principal Act.

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

(a) in sub-article (1) thereof for the words "to be liable to removal as a prohibited immigrant under any of the provisions of article 5, the said Officer may issue a removal order against such person who shall have a right to appeal against such order in accordance with the provisions of article 25A:" there shall be substituted the words "to be liable to return as a prohibited immigrant under any of the provisions of article 5, the said Officer may issue a return decision against such person who shall have a right to appeal against such decision in accordance with the provisions of article 25A.";

(b) the proviso to sub-article (1) thereof shall be deleted;

(c) sub-article (2) thereof, including the proviso thereto (2), shall be substituted by the following:

"(2) If such a return decision is accompanied by a removal order, such person against whom such order is made, may be detained in custody until he is removed from Malta:

Provided that if the person in respect of whom a return decision and a removal order has been made is subject to criminal proceedings for a crime punishable with imprisonment or is serving a sentence of imprisonment, the Minister may give such directions as to whether the whole or part of the sentence is to be served before the return of such person from Malta, and in default

of such directions, such person shall be removed after completion of the sentence, without prejudice to the provisions of any other law.";

(d) in sub-article (4) thereof the words "may be party." shall be substituted by the words "may be party:" and immediately thereafter there shall be added the following new provisos:

"Provided that, following the issue of a removal order by the Principal Immigration Officer in accordance with the provisions of this article, to any person considered as a prohibited immigrant under any of the provisions of article 5, if such person files an application for asylum in terms of the Refugees Act, all the effects of the removal order shall be suspended pending the final determination of the asylum application. Following the final rejection of the asylum application, the removal order along with its effects shall again come into force:

Provided that, notwithstanding that the effects of the removal order are suspended pending the final determination of the asylum application, the detention of such person shall continue until a final decision on detention is reached in terms of the regulations issued under the Refugees Act:

Provided further that, whenever a prohibited immigrant has filled an application for asylum, the Principal Immigration Officer shall not be required to issue a return decision or a removal order.";

(e) in sub-article (6) thereof for the word "expulsion" there shall be substituted the word "return";

(f) in sub-article (7) thereof for the word "expulsion" there shall be substituted the word "return" and immediately thereafter there shall be added the following new sub-articles:

"(8) The Principal Immigration Officer shall not execute any return decision or removal order if appeals proceedings before the Immigration Appeals Board are pending;

C 1094

(9) (a) The Principal Immigration Officer shall issue a removal order and execute such order in respect of a Union citizen and his family members, when such person is being removed from Malta in accordance with the relative provisions of the Free Movement of European Union Nationals and their Family Members Order.

S.L. 460.17.

(b) Such person shall be detained in accordance with the provisions of such Order, if he would not have left Malta within the time limit specified by such Order and if an appeal has not been made in accordance with the provisions of this Act and the said Order.

Amendment of article 17 of the principal Act.

4. In article 17 of the principal Act the words "no removal order shall be obstructed nor shall the implementation of any such order be delayed by means of any warrant issued under the Code of Organization and Civil Procedure." shall be substituted by the words "no return decision or removal order shall be obstructed nor shall the implementation of any such return decision or removal order be delayed by means of any warrant issued under the Code of Organization and Civil Procedure:" and immediately thereafter there shall be added the following new proviso:

"Provided that article 17 shall not apply to orders issued by the Constitutional Court."

Amendment of article 19 of the principal Act.

5. In article 19 of the principal Act for the words "removal order" there shall be substituted the words "return decision and removal order".

Amendment of article 24 of the principal Act.

6. Article 24 of the principal Act shall be substituted by the following:

" 24. If any person who has been removed from Malta following a return decision, or a return decision and a removal order or following a deportation order, or a removal order in the case of a Union citizen or his family member, whose right of free movement has been restricted, at any time seeks leave to land or leave to land and remain in Malta or if he seeks to obtain a residence permit, he shall expressly declare in writing to the Principal Immigration Officer such circumstance. If he fails to do so, any such leave or any residence permit granted to him shall be null and void and he shall, moreover, by reason only of such omission and without prejudice to the issue of a return decision or a deportation order under this Act, be guilty of an

offence and liable, on conviction by the Court of Magistrates, to a fine (*multa*) not exceeding one thousand and one hundred and sixty-five euro (1,165) or to imprisonment for a term not exceeding six months or to both such fine and imprisonment."

7. Article 25A of the principal Act shall be amended as follows:

Amendment of article 25A of the principal Act.

(a) in sub-article (9) thereof for the word "deportation" there shall be substituted the words "deportation order" and for the words "removal order" there shall be substituted the words "return decision and removal order";

(b) sub-article (10) thereof shall be substituted by the following:

"(10)The Board shall grant release from custody where the detention of a person is, taking into account all the circumstances of the case, not required or no longer required for the reasons set out in this Act or subsidiary legislation under this Act or under the Refugees Act, or where, in the case of a person detained with a view to being returned, there is no reasonable prospect of return within a reasonable time-frame."; and

(c) paragraph (a) of sub-article (11) thereof shall be deleted and paragraphs (b) and (c) thereof shall be renumbered as paragraphs (a) and (b) respectively.

8. Article 28 of the principal Act shall be renumbered as article 28(1) and immediately thereafter there shall be added the following new sub-article (2):

Amendment of article 28 of the principal Act.

"(2) The Principal Immigration Officer or any Authority responsible for the function related to the issue of visas or residence permits may require that personal data including fingerprints be provided."

9. Article 32 of the principal Act shall be amended as follows:

Amendment of article 32 of the principal Act.

(a) in sub-article (1) thereof for the words "unless a greater punishment is established for such offence by another law." there shall be substituted the words "unless a greater punishment is established for such offence by another law:" and immediately thereafter there shall be added the following new proviso:

C 1096

"Provided that the Principal Immigration Police may decide not to institute proceedings on any person who aids or assists any other person in any immediate situation of danger to land or attempt to land or transit through Malta, when such acts have been committed with a view to providing humanitarian assistance."; and

(b) sub-article (2) thereof shall be deleted and sub-article (3) shall be renumbered as sub-article (2).

Amendment of article 33 of the principal Act.

10. In sub-paragraph (b) of article 33 of the principal Act immediately after the words "removal order" there shall be added the words "or return decision".

Amendment of article 36 of the principal Act.

11. Article 36 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof for the words "two thousand and five hundred euro (€2,500)" there shall be substituted the words "five thousand euro (€5,000)" and for the words "3 months" there shall be substituted the words "6 months."; and

(b) in sub-article (2) thereof, immediately after paragraph (c), there shall be added the following new paragraphs:

"(d) the standards and procedures for returning illegally staying third-country nationals;

(e) the better implementation of the provisions of this Act.".

Objects and reasons

The objects and reasons of this Bill are to introduce the inclusion of terminology consistent with Council Directive 2008/115/EU on common standards and procedures in Member States for returning illegally staying third-country nationals and the implementation of the Judgements of the European Court of Human Rights.

