

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,739, 10 ta' Marzu, 2017

Taqsimha C

Nru. 200

10. 03. 2017

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-7 ta' Marzu, 2017.

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 7th March, 2017.

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

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

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 ir-Rifuġjati, Kap. 420.

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2017 li jemenda l-Att dwar ir-Rifuġjati, u dan l-Att għandu jinqara u jiftiehem haġa waħda mal-Att dwar ir-Rifuġjati, hawnhekk iżjed 'il quddiem f'dan l-Att imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.

Kap. 420.

2. Fl-artikolu 2 tal-Att prinċipali, it-tifsira "pajjiż tal-orġini sigur" għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

Emenda tal-artikolu 2 tal-Att prinċipali.

" "pajjiż tal-orġini sigur" tfisser pajjiż li applikant għal protezzjoni internazzjonali:

(a) ikun ċittadin tiegħu; jew

(b) għax ikun persuna apolida, kien preċedement residenti abitwali f'dak il-pajjiż;

u ma jkun ipprezenta ebda raġuni gravi għaliex dak il-pajjiż m'għandux jitqies li jkun wiehed li m'huwiex pajjiż tal-orġini sigur fiċ-ċirkostanzi partikolari tiegħu;"

3. Minnufih wara s-subartikolu (2) tal-artikolu 5 tal-Att prinċipali, għandu jiżdied is-subartikolu ġdid li ġej:

Emenda tal-artikolu 5 tal-Att prinċipali.

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"(2A) Persuni mahtura bhala membri tal-Bord għandhom jibqgħu fil-kariga sakemm jiġu mahtura s-suċċessuri tagħhom."

Emenda tal-
artikolu 7 tal-
Att prinċipali.

4. Is-subartikolu (1) tal-artikolu 7 tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Il-Bord ikollu s-setgħa li jisma' u jiddeċiedi appelli kontra rakkomandazzjoni tal-Kummissarju inklużi l-appelli minn deċiżjonijiet għat-trasferiment ta' pajjiż terz minn Malta lejn Stat Membru ieħor skont id-dispożizzjonijiet tar-Regolament tal-Kunsill (KE) 604/2013 tas-26 ta' Ġunju 2013 li jistabbilixxi l-kriterji u l-mekkaniżmi li jiddeterminaw liema jkun l-Istat Membru responsabbli biex isir l-eżami tal-applikazzjoni għal protezzjoni internazzjonali li tkun ġiet ippreżentata f'xi wieħed mill-Istati Membri minn ċittadin ta' pajjiż terz u minn persuna apolida."

Emenda tal-
artikolu 7A tal-
Att prinċipali.

5. Fis-subartikolu (6) tal-artikolu 7A tal-Att prinċipali, mimflok il-kliem "artikolu 24(1)(f)" għandhom jidhru l-kliem "artikolu 24(1)(d)".

Emenda tal-
artikolu 24 tal-
Att prinċipali.

6. Fil-paragrafu (a) tas-subartikolu (1) tal-artikolu 24 tal-Att prinċipali, il-kliem "skont ir-Regolament tal-Kunsill (KE) 604/2013 tas-26 ta' Ġunju 2013 li jistabbilixxi l-kriterji u l-mekkaniżmi li jiddeterminaw liema jkun l-Istat Membru responsabbli biex isir l-eżami tal-applikazzjoni għal protezzjoni internazzjonali li tkun ġiet ippreżentata f'xi wieħed mill-Istati Membri minn ċittadin ta' pajjiż terz u minn persuna apolida" għandhom jiġu mħassra.

Għanijiet u Raġunijiet

L-għan prinċipali ta' dan l-Abbozz ta' Liġi hu li jemenda l-Att dwar ir-Rifuġjati billi jaġġorna ċerti dispożizzjonijiet li saru neċessarji b'riżultat ta' legislazzjoni tal-UE li saret wara.

**A BILL
entitled**

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:-

- 1.** The short title of this Act is the Refugees (Amendment) Act, 2017, and this Act shall be read and construed as one with the Refugees Act, hereinafter referred to as "the principal Act".
- 2.** In article 2 of the principal Act, the definition "safe country of origin" shall be substituted by the following new definition:

" "safe country of origin" means a country of which the applicant for international protection:

- (a) is a national; or
- (b) being a stateless person, was formerly habitually resident in that country;

and he has not submitted any serious grounds for considering the country not to be a safe country of origin in his particular circumstances;"

- 3.** Immediately after sub-article (2) of article 5 of the principal Act, there shall be added the following new sub-article:

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"(2A) Persons appointed as members of the Board shall hold office until their successors are appointed."

Amendment of article 7 of the principal Act.

4. Sub-article (1) of article 7 of the principal Act shall be substituted by the following new sub-article:

"(1) The Board shall have power to hear and determine appeals against a recommendation of the Commissioner including appeals from decisions for the transfer of a third country national from Malta to another Member State in accordance with the provisions of Council Regulation 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or stateless person."

Amendment of article 7A of the principal Act.

5. In sub-article (6) of article 7A of the principal Act, for the words "article 24(1)(f)" there shall be substituted the words "article 24(1)(d)".

Amendment of article 24 of the principal Act.

6. In paragraph (a) of sub-article (1) of article 24 of the principal Act, the words "in terms of Council Regulation No 604/2013 of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person" shall be deleted.

Objects and Reasons

The main object of this Bill is to amend the Refugees Act by updating certain provisions thereof which were necessitated as a result of later EU legislation.

