

I assent.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

28th April, 2017

ACT No. XX of 2017

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:

Short title.

Cap. 420.

Amendment of article 2 of the principal Act.

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

- (a) is a national; or

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(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;"

Amendment of article 5 of the principal Act.

3. Article 5 of the principal Act shall be amended as follows:

(a) The second proviso to sub-article 5(1) shall be deleted and shall be substituted by the following new proviso:

"Provided further that one of the members shall be a person representing the disability sector."

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

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

(c) In sub-article 5(4)(c), for the words "two other member" there shall be substituted the words "three other members".

(d) Immediately after sub-article 5(4)(c), there shall be added the following new sub-article 5(5):

"(5) One of the members of the Board referred to in sub-article (4)(c) may act as a Secretary."

Amendment of article 7 of the principal Act.

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

(a) Sub-article (1) thereof 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."

(b) Immediately after sub-article 7(1A)(a)(ii) there shall be added the following new proviso:

"Provided that for the purpose of this provision, the review conducted by the Chairperson of the Refugee Appeals Board shall be deemed to constitute an appeal."

(c) In sub-article 7(2), for the words "fifteen days", there shall be substituted the words "two weeks".

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 7A of the principal Act.

6. Article 22 shall be renumbered as sub-article 22(1) and immediately after sub-article 22(1), there shall be added the following new proviso and sub-article 22(2):

Amendment of article 22 of the principal Act.

"Provided that he shall be informed in writing that his qualification for subsidiary protection is being reconsidered, is given reasons for such reconsideration and is given the opportunity to submit, in a personal interview, reasons as to why his subsidiary protection should not be withdrawn;

(2) A person, whose subsidiary protection has been revoked, shall be entitled to appeal against the revocation before the Board within seven days of the notification of the revocation to him, and the provisions of article 7 shall, *mutatis mutandis*, apply to such appeal."

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

Amendment of article 24 of the principal Act.

(a) In paragraph (a) of sub-article (1) thereof, 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.

(b) In the Schedule referred to in this article, the words "Croatia, Iceland, Liechtenstein, Norway and Switzerland" shall be deleted.

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Passed by the House of Representatives at Sitting No. 507 of the
12th April, 2017.

ĊENSU GALEA
Deputy Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

