

PUBLIC CONSULTATION: MIND D GAP – TOGETHER WE CAN MAKE A DIFFERENCE

NATIONAL MIGRANT INTEGRATION STRATEGY 2015-2020

Input Submission

These submissions are being presented by the Malta Migrants Association, as part of the public consultation on the National Migrant Integration Strategy 2015-2020 being carried out by the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties (MSDC).

Who we are

The Malta Migrants Association is a network of migrant groups representing migrants from different countries. Most of us arrived in Malta by boat and all of us applied for asylum. Some were granted protection and others had their application rejected yet were allowed to remain in Malta. Today, many of us have lived and worked in Malta for a number of years and all of us consider Malta our home.

Those of us who make up the association can be broadly divided into two groups:

- Those who enjoy some form of protection¹ and so satisfy the conditions for residency in Malta according to law or policy;
- Those who were not granted any form of protection in Malta and so do not satisfy the conditions for residency, although many of us have lived in Malta for many years and the authorities are not only aware of our presence but also allow us to work in Malta.

These submissions raise issues that members of the Association face, in their efforts to integrate in Maltese society.

Our understanding of integration

Having lived in Malta for many years, we have adopted a Maltese way of life: we work with Maltese companies, we have Maltese friends, and some of us are even married to Maltese people. Yet we feel that we are integrated but not integrated.

By this we mean that although in some ways we are integrated, we are not truly part of Maltese society. This is because to be fully part of a society you have to have rights that make you feel that that you are part of that society.

The Association represents migrants with different levels of protection and we know that even those who have refugee status – the highest level of protection possible – face many problems to obtain their rights. Of course the situation is far worse for those who have temporary humanitarian protection or no protection at all, even if they have been here for many years.

What we are asking

We will always be grateful to Malta because Malta gave us a second birth – we respect the Maltese just like we respect our parents who gave birth to us first. What we are now asking is that you protect the life you saved by respecting our rights more fully so that we can become truly part of Maltese society.

¹ Refugee Status or Subsidiary Protection, both of which are forms of international protection, or Temporary Humanitarian Protection (THP or THPN) which is a form of national protection

These submissions highlight those areas where we face the greatest obstacles to effective integration, in the context of the five key themes identified by the Ministry. It is our hope, that the National Migrant Integration Strategy will address the concerns raised in this document and bring us closer to true integration.

1. Defending rights and fulfilling duties: anti-discrimination and equality

Barriers to enjoyment of rights faced by migrants in Malta

This section of the document describes the particular challenges faced by the different groups of migrants forming part of the Association. Some of these challenges are linked to the individual's particular legal status, or lack of it, while others are the result of institutional shortcomings.

Rejected asylum seekers: situation and challenges

It is a well-known fact that there are several hundred rejected asylum seekers who have lived and worked in Malta for years. The authorities are aware of our presence – every six months or so we go to the Immigration Office to renew our temporary permission to stay in Malta. We are also allowed to work legally if we find an employer who is willing to apply for a work permit to employ us.

Up to some years ago, when the system for granting of THP was more regular, rejected asylum seekers could hope to have their situation regularised within five years if removal to their country was not possible until then.

Today the situation is different. THP is just being given and/or renewed for people who arrived in 2007 or earlier, i.e. eight years ago or more, and only if they meet the established criteria. Most of those who arrived in Malta in 2008 or after have nothing, although we have lived in Malta for five or six years and made Malta our home. Those of us who are able to do so work regularly, and we pay taxes and national insurance contributions.

Some among us are women, children who have lived most of their life in Malta, people with disability and people with physical or mental illness. For people such as these, who already face many problems, the situation is even more difficult.

Before we could get an ID card issued by the Maltese ID card office, but since the law changed we only have an immigration certificate issued by the police. With the document we are given you cannot open a bank account. You cannot travel either, as you are not entitled to a travel document, which means you cannot see your family.

Although it is possible to get a temporary employment licence which can be renewed every 3 months², in practice it is very difficult to find an employer who is willing to apply for a work permit, even because of the administrative burden it imposes.

Many employers are only willing to employ us illegally, something they know they can do because law enforcement is very weak. On our side, we have little choice but to accept because we need to survive – if we don't work we cannot eat.

² The permit needs to be renewed every 3 months, but the fee (€58) is paid annually. If the permit is not renewed on time the fee needs to be paid once more in order to obtain a new permit.

Other employers tell you that you must apply for a work permit yourself as a self-employed person. Many times this means you will work for only a few hours a week. It also means you have no sick leave or paid leave, and you must pay taxes and NI yourself. Working like this what do you have left for yourself? How will you pay rent? How can you eat?

If you lose your job, or if you get sick or injured at work and you cannot work anymore, you are not entitled to social security benefits even if you have paid your contributions. You need to depend on the charity of friends to survive.

Worst of all is that you have no security. You don't know how long you will remain like this. And even after five, six, seven or even twelve years living in Malta – you have a job, a flat, a car – but still you can be deported just like that. For those with children the uncertainty is even more difficult to bear, as is the prospect of deportation. In many cases the children were born in Malta or arrived here when they were very young, so they only know Malta and it will be very difficult for them to adapt to life in a different country, even if it is their own.

It is because of these difficulties, because people lose all hope, that people end up taking medication and some even take their lives. You cannot see your family, you have no rights, that's why people lose their mind.

Beneficiaries of protection: situation and challenges

For those of us with protection the situation is better, but we still face many problems.

Refugee Status and Subsidiary Protection

Those with **refugee status and subsidiary protection** have a number of legal rights at least on paper: a 3-year residence permit; a permit to work; access to some level of social benefits; a travel document; and, in the case of recognised refugees, family reunification.

Still we face a number of difficulties, when trying to build a new life in Malta because these rights are not always guaranteed in practice.

The family reunification process can take months, or even years, and there are often problems every step of the way.

Some of us are professionals, but it is very difficult for us to get a job in line with our qualifications. Sometimes it seems like the only jobs available for refugees are in refuse collection, cleaning or construction companies. Getting qualifications recognised is a long process – it can take 5 or 6 months in some cases. For those who need a warrant to practice their profession it does not stop there: once they get their qualifications recognised, they need to start another process to be able to work in Malta.

In the meantime we need to live on benefits which are not enough, especially for those of us who have families. Rent is very expensive and utility bills can be very high, especially when there are many people sharing and the landlord refuses to register the full number of people living in the apartment. Also, people with subsidiary protection only have a right to 'core welfare benefits', which means they only get social assistance – no Children's Allowance or any other benefits.

The document system is very poor. It takes very long for our residence documents to be issued when we apply for them, so we spend many months – up to 11 months in some cases – without proper documents.

Also, applying for a residence document is becoming more difficult – you need to show a contract with your name on it and present a copy of your landlord's ID card to get your residence permit renewed, something which is not always possible, either because we live with friends or because the landlord does not want to give us a contract or a copy of his ID card.

Above everything else, there is the question of our future – we always ask ourselves: 'If we are still here in 10 years who will we be? What can we expect? Will we still be just refugees, renewing our permit every three years or can we hope for something more permanent?'

THP/N

People with **THP or THPN** have no legal rights – as this is not a status created by law but by policy – however, we do have a number of benefits. While we have THP we will not be sent back against our will, and we have a residence permit, a travel document and a permit to work.

However sometimes it is as if THP is not really a status – it's not a law, just a policy, so sometimes you go in an office and they don't recognise it, it's like it doesn't really exist.

With this status you cannot get any social benefits, even if you cannot work because of illness or injury. There are some of our members who were granted THP or THPN because they are seriously ill, but even they are not entitled to any financial support although they really cannot work. Even those of us who work regularly and have paid our contributions regularly throughout the period of our employment cannot get benefits if we lose our job.

The status is very temporary – it is renewed annually – and sometimes renewal can be difficult because of the documentation required. THP is given and renewed if you can show that you are doing your utmost to integrate in Maltese society.

So, for example, you need to produce proof of legal employment in order to renew, which is not always possible even if you are working because some employers are just not interested in employing us legally. We face the same difficulties and long delays as people with refugee status and subsidiary protection when we come to renew our residence documents.

The most difficult thing about having THP is the temporariness of our status and the lack of long-term prospects. We too ask ourselves, if we are still here in 20 years time who will we be? As we are not entitled to any benefits, such as pensions, how will we live if we cannot work anymore?

We feel that we are being told that we should not think that our status will change. But this is very difficult to accept, particularly if you have been living in Malta for a long time and contributing to the Maltese economy through your labour and through taxes and other financial contributions.

We also feel it is unjust that on the one hand we are told that we have to integrate in Maltese society in order to get THP, yet we are only given a temporary status which does not help us to feel truly part of Maltese society.

For these reasons we are asking that the strategy:

- *Addresses the situation of rejected asylum seekers who have lived in Malta for a number of years and who cannot be returned to their country, ensuring that:*
 - *They have access to basic services and support so that they are not exploited and abused and they are able to live with dignity.*
 - *The rules and criteria for obtaining residency through THPN are clarified and applied consistently to all migrants.*
- *Ensures that the rights of all categories of migrants with residency in Malta, including those with THPN, are laid down in the law. For beneficiaries of THPN, these rights should include at least:*
 - *The current benefits attached to THPN, i.e. a renewable 1-year permit to work issued in one's own name; a 1 year residence permit; free health care and education up to the compulsory school age limit; and the possibility to obtain an alien's passport where necessary.*
 - *The right to receive social assistance or unemployment benefits for those who are unable to work due to illness or who have paid the required number of social security contributions.*
- *Creates a system of effective and practical checks to ensure that it is really possible for people to enjoy their rights in practice, without having to wait for months even for the most basic documents.*
- *Addresses the long term prospects of beneficiaries of both national and international protection who have been living in Malta for more than 10 years, giving them the possibility to convert it into a more permanent status, for example a 5 year residence permit, with improved access to social benefits and the right to free education even at post-secondary and tertiary level.*

2. Resolving social barriers and providing opportunities: education / labour market

Barriers to legal employment and educational opportunities

Both education and employment are essential to achieve integration, yet both are areas where the members of our Association face particular challenges.

Accessing the labour market

For many of our members it is very difficult to find regular legal employment. As we said earlier, the jobs available are very limited. Most are seasonal and almost none allow for career progression. Still, most of us are happy to get a regular job, especially if it is not temporary.

Also we face other obstacles to find a job, such as difficulty obtaining recognition of qualifications or the required warrant to practice a profession, lack of skills, language barriers and, especially in the case of women, Islamic dress.

Although finding a job is so difficult, even those with protection get little support to find a job. Education too is limited, and migrants generally do not even have access to basic educational opportunities such as language training, apart from the classes organised by volunteers or NGOs.

Issues relating to irregular employment and poor working conditions

As we explained some of us are forced to take up irregular employment and others find themselves in situations of precarious or exploitative employment, even though we might have a permit to work, because many employers are not interested in employing us legally.

This causes many problems for us, because it means that we are often underpaid although we work very long hours, we are not entitled to basic things like paid vacation leave, and we do not enjoy the protection of the law if we are sick or if we are injured at work. This can have serious consequences even for our personal safety. For example, one of our members was injured at work – he lost a finger in an accident – but the employer refused to call an ambulance because he was worried he would get into trouble if the injured worker was picked up from a work site because he was employed without a permit.

One problem is that some employers feel that they can treat us differently from Maltese workers – they believe that we should not expect anything different or complain if our rights are not respected. For example, one employer told a member of our association that he cannot expect to be paid like a Maltese worker because he came on a “*banana boat*”.

We believe that employers do this because they know they can get away with it. Most migrants will not complain. Only very few of our members are part of a union, so there is no one to defend us, and many are unaware of their rights. Also, employers know we have no choice but to accept what they are offering if we want to work and earn a living, and since the mechanisms in place to enforce labour laws are weak employers know they are unlikely to have problems from the authorities. Even if they do the penalties for them are far smaller than the benefits of employing people irregularly or exploiting them.

So for us, the poor enforcement of labour law is problematic because it makes us very vulnerable to exploitation and abuse. Many of our members feel that we are not in a position to stand up to abusive employers. Most of us have no access to either social benefits or any other form of support from the government. If we want to have a roof over our heads and a meal on our table we need to work.

We are clearly expected to refuse irregular employment, as if we do not we will not have our permit to stay (THPN) renewed, yet we are not supported by strong action on the part of the authorities if we choose to do so. At the end of the day we know that if we refuse a job all that will happen is that someone else will fill it because the problem will not be tackled at its roots, so employers will not change their practice. This means that the only jobs available to us will still be only irregular or exploitative ones, so there is little point in refusing if this is the only way to survive.

Education

We believe that education, especially language training, is essential for us to integrate in the labour market and in Maltese society. If you cannot communicate with others you cannot be truly part of a society. Education and vocational training are also important for us to be able to develop our potential and contribute to Maltese society.

Yet, as we already mentioned, language training is not provided systematically even to those with protection. It is possible for migrants to attend courses organised by the Department for Lifelong

Learning, but in order to do this you need to know how to read and write, and to understand Maltese or English. As most migrants cannot do this, they cannot benefit from this opportunity.

In order to ensure true integration, the Strategy should:

- *Ensure that integration is facilitated through language training and help to find employment.*
- *Address barriers to equal treatment at work through education and awareness-raising and by ensuring that there are effective ways to obtain redress in case of violations.*
- *Ensure that all migrant workers are provided with information about their rights and about what to do when their rights are not respected.*
- *Ensure consistent enforcement of labour laws and more effective action against abusive employers, as this is the only way to ensure that migrant workers' rights are safeguarded.*
- *Provide more support to migrant workers who find themselves in an exploitative situation to help them obtain redress.*
- *Help migrants to access existing educational opportunities and increase the courses available specifically for migrants, particularly basic literacy and language.*

3. Promoting intercultural relations/Raising public awareness on integration: empowering local communities

Negative perception of immigrants and immigration as a barrier to integration

When you are socialising with someone and he likes you, you can feel it. We know that Malta does not want us here. This makes us feel that Malta cannot be our destination.

We believe that this negative way of perceiving migrants is even due to the language used to discuss immigration. When you talk of 'burden sharing', you are telling the Maltese people that immigrants are a burden, a problem for Malta, and it discourages society from accepting migrants. Another side effect of this language is that it tells immigrants that they are a burden and contributes to the philosophy that makes some people superior and others inferior.

This perception of migrants as inferior also affects the way we are treated by our employers and colleagues at work, by the people behind the desk in government offices or at the bank, on public transport, and in every other place where we meet Maltese people.

The government has a major role to play in sensitising the public about migration and about the contribution that migrants make. If the government does this, we believe that integration will be facilitated.

We believe that if migrants and Maltese had more opportunity to interact it would help to increase understanding and combat negative perceptions. Programmes facilitating encounters between Maltese and migrants, focusing on appreciation of the cultural and ethnic diversity within Maltese society, would also be very useful.

We therefore recommend that the National Strategy on Migrant Integration:

- *Ensures that migrant integration is promoted at all levels of government and that the use of language which creates the impression that all or some migrants living in Malta are inferior or unwanted is stopped.*
- *Creates spaces and opportunities for migrants and Maltese to interact and promotes the appreciation of the diversity within Maltese society.*

4. Civil participation: outreach to communities of TCNs

Institutional dialogue: TCN consultative council / policy-makers and decision-makers

We welcome the inclusion of a section on civil participation and the creation of a TCN consultative council, as we believe that civil participation is a basic requirement for true integration.

The strategy should ensure that all categories of migrants are included in this initiative, not just those who came to Malta legally to work or to study, in order to make it a truly inclusive process.

It is also important to ensure that the voices of the most vulnerable, which would often not be heard, are taken into account. This includes: migrant women, children, disabled or sick migrants, and those in an unstable or uncertain legal situation, who would be more vulnerable to exploitation and abuse.

5. Other points

Long term prospects and citizenship

As we explained in the first part of this document, some of us have been here for many years; we have built a life here and we have become part of the Maltese community. Yet for all of us, even those with refugee status, our future remains a question mark.

While we are grateful for the fact that Malta has given us protection, protection is not permanent – it has to be renewed every few years – and it is very difficult to imagine a life where your status is temporary forever.

It is for this reason that we believe that the National Strategy on Migrant Integration should provide the possibility of obtaining Long Term Residence and, eventually, citizenship, for those migrants who have made Malta their home and who actively contribute to Maltese society.

Children born and/or raised in Malta

Finally we would like to highlight the situation of children of migrant parents who are born in Malta, or who come to Malta when they are very young and are raised here.

For these children Malta is home – they are growing up here: they go to school, make Maltese friends, and learn to communicate fluently in Maltese. In short, Malta is the only country they know and life in Malta the only reality they have experienced.

Even if their parents have no protection, or if their protection eventually ceases, returning these children to their country is to tear them away from the only life they have ever known and will surely cause them irreparable harm.

It is for this reason that we are asking that at least for these children and their families, the path to citizenship, which is the only way of providing them with true stability, is made easier.