

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:-

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".

Short title.

Cap. 217.

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

Addition of new article to the principal Act.

"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.

(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.

Cap. 602.

A 390

(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

