

L.N. 168 of 2025

**IMMIGRATION ACT
(CAP. 217)**

Immigration Appeals Board (Procedure) Regulations, 2025

IN EXERCISE of the powers conferred by article 36 of the Immigration Act, the Minister responsible for immigration has made the following regulations:-

1. The title of these regulations is the Immigration Appeals Board (Procedure) Regulations, 2025. Citation.
2. In these regulations, unless the context otherwise requires: Interpretation.
 - "Act" means the Immigration Act; Cap. 217.
 - "Board" means the Immigration Appeals Board as established by article 25A of the Act;
 - "Identità" means the Identity Malta Agency established by article 3 of the Identity Malta Agency (Establishment) Order; S.L. 595.07.
 - "Minister" means the Minister responsible for immigration;
 - "Principal Immigration Officer" means the person appointed to such office in accordance with article 3 of the Act.
 - "single permit" means a residence permit issued in accordance with the Single Application Procedure for a Single Permit for Third-Country Nationals to Reside and Work in Malta and a Common Set of Rights for Third-Country Workers Legally Residing in Malta Regulations; S.L. 217.17.
 - "visa" means a short-stay visa or a long-stay visa.
3. The Board shall have the function to hear and determine appeals by virtue of the provisions of the Act or of regulations made thereunder. Functions of the Board.
4. (1) A third-country national who feels aggrieved by the competent authority's decision relating to a single permit or visa may file an appeal against the said decision before the Board in accordance with article 25A of the Act which shall have jurisdiction to hear and determine such appeal: Appeals from single permit and visa decisions.

Provided that for the purposes of this regulation "competent

authority" shall mean the authority responsible for issuing the residence permit, visa or other document, as the case may be.

(2) The appellant or his legal representative shall file written submissions to the Board within ten (10) working days from the date of the notification of his intention to appeal in accordance with article 25A(7) of the Act.

(3) Upon receipt of the written submissions referred to in sub-regulation (2), the Board shall serve a copy of the said submissions on the competent authority which shall be given a period of ten (10) working days from the notification of such submissions to file its own submissions to the Board.

(4) The Board shall communicate its decision to the appellant or his legal representative and to the competent authority within ten (10) working days from the date of receipt of the submissions of the competent authority in accordance with sub-regulation (3):

Provided that in exceptional and duly justified circumstances, the Board may extend the time period for the communication of its decision:

Provided further that the conclusion of the entire procedure shall not exceed sixty (60) days.

Appeal from the
age assessment.

5. (1) Any third-country national who feels aggrieved by a decision of the competent authority in relation to age determination pursuant to an age assessment, may file an appeal against the said decision before the Board in accordance with article 25A of the Act:

S.L. 217.11.

Provided that for the purposes of this regulation "competent authority" shall mean the authority responsible for carrying out an age assessment in accordance with the Agency for the Welfare of Asylum Seekers Regulations.

(2) The appellant or his legal representative shall file written submissions to the Board within ten (10) working days from the date of the notification of his intention to appeal in accordance with article 25A(7) of the Act.

(3) Upon receipt of the written submissions referred to in sub-regulation (2), the Board shall serve a copy of the said submissions on the competent authority which shall be given a period of ten (10) working days from the notification of such submissions to file its own submissions to the Board.

(4) The Board shall communicate its decision to the appellant

or his legal representative and to the competent authority within ten (10) working days from the date of receipt of the submissions of the competent authority in accordance with sub-regulation (3):

Provided that in exceptional and duly justified circumstances, the Board may extend the time period for its decision:

Provided further that the conclusion of the entire procedure shall not exceed sixty (60) days.

(5) Where the competent authority has decided *prima facie* that the person concerned is an adult without undertaking an age assessment, it shall refer the decision for review by the Board. The Board shall conduct the review within five (5) working days from the date of receipt of the decision:

Provided that if the Board disagrees with the decision reached by the competent authority, it shall instruct the competent authority to carry out an age assessment in accordance with the Agency for the Welfare of Asylum Seekers Regulations.

S.L. 217.11.

6. (1) Save as otherwise expressly provided in the Act or in regulations made thereunder, any third-country national who feels aggrieved by a decision of the competent authority may file an appeal against the said decision before the Board and the Board shall have jurisdiction to hear and determine such appeal in accordance with this regulation.

Other appeals.

(2) The appellant or his legal representative shall file written submissions to the Board within ten (10) working days from the date of the notification of his intention to appeal in accordance with article 25A(7) of the Act.

(3) Upon receipt of the written submissions referred to in sub-regulation (2), the Board shall serve a copy of the said submissions on the competent authority which shall be given a period of ten (10) working days from the notification of such submissions to file its own submissions to the Board.

(4) The Board shall communicate its decision to the appellant or his legal representative and to the competent authority within ten (10) working days from the date of receipt of the submissions of the competent authority in accordance with sub-regulation (3):

Provided that in exceptional and duly justified circumstances the Board may extend the time period for its decision:

Provided further that the conclusion of the entire procedure

shall not exceed ninety (90) days.

Withdrawal of
appeal.

7. The Board may assume that the appellant has tacitly withdrawn his appeal when it is ascertained that:

(a) he has failed to provide within the time frame established by the Board, information essential to his appeal unless the appellant demonstrates, that his failure was due to circumstances beyond his control; and, or

(b) he has not within thirty (30) days, complied with reporting duties or other obligations to communicate with the Board.
