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Subject: Schengen evaluation of the new Member States
- Questionnaire - Additional questions presented by the Commission
Services - Reply by MALTA

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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SCH-EVAL 106
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NOTE

from : the Maltese delegation

to : the Schengen evaluation Working Party

No. prev. doc. : 7001/06 SCH-EVAL 35 COMIX 221

Subject : Schengen evaluation of the new Member States

- Questionnaire - Additional questions presented by the Commission Services - Reply by MALTA

Question 1 (p. 2)

Have the relations between Police and Armed Forces regarding border control and surveillance being formalised in any way? (MoU, administrative arrangement, etc.). Are there regular meetings between both authorities and at what level?

No written arrangements have been made between the Malta Police Force and the Armed Forces of Malta on border control.

Regular coordination meetings are held between the Malta Police Force and the Armed Forces of Malta at a Head of Unit level. The frequency of the meetings increases as illegal immigration increases, particularly during the summer period.

Issues relating to irregular migration are also discussed within and Inter-Ministerial Technical Committee. The Police are represented by the Principal Immigration Officer (the Commissioner of Police), whilst the Armed Forces are represented by the Commander of the Armed Forces of Malta.

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Question 3 (p. 3)

Will a national border security plan be drawn up in the near future?

For the time being, this is not foreseen.

Questions 5 and 6 (p. 4-5)

How many of the mentioned illegal border crossings or attempts took place at the sea border?

All the statistics given in the answers to 5 and 6 of the previous questionnaire with regard to cases of illegal border crossing for the years 2002 to 2005, relate to sea borders. The statistics refer to persons either detected during search and rescue operations at sea of persons detected in the Maltese territorial waters or after having reached the Maltese coast line.

Question 7 (p. 5)

Could you provide more information on the training undergone by border control personnel? (Amount of hours, type of courses, frequency, etc.).

The amount of border control personnel is limited and changes of personnel are not frequent. Therefore, when border control personnel are given training, this training, together with the accumulated on the job experience attained, is not frequently lost.

An organisational restructuring of the border control in Malta was undergone in 1998. This restructuring involved the introduction of civilian border control officers working together with police border control personnel. During this restructuring, the civilian border control officers underwent intensive training on border control and immigration procedures, use of the national immigration control system, visa procedures and the detection of forged documents.

Specialised training was given to border control officers between April and November 2002 by the UK Immigration Service Training and Development Unit. The first level of training was directed towards border control officers and covered general border control management. The first level training on general border management, directed towards border control officers, covered the Convention on the Implementation of the Schengen Agreement, the Common Manual on border management and operation of a border control, document checking procedures, administrative procedures, first level interviewing techniques, the rights and obligations under the European Convention on Human Rights and the 1951 UN Convention on Refugees and professional standards and conflict management.

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This training was given in over 8 training courses, each consisting of 5 days lectures and 4 days on the job coaching. The intermediate border management training was attended by Police border control Sergeants, and immigration Police Inspectors and covered training on the Convention on the Implementation of the Schengen Agreement, advanced interviewing techniques, detention procedures for passengers, assessing the credibility of passengers, introduction into profiling and use of intelligence for targeting flights and the 1951 Convention on Asylum. This training was carried out over 6 days.

Apart from the specialised training given, ongoing training with regard to new border control procedures is given on a train-the-trainer basis. All border control Police Sergeants, each responsible for a particular border control shift, are regularly trained and informed on new procedures. In turn these Police Sergeants are responsible for the training of their shift personnel on the relative procedures.

Are the twinning light programmes compulsory?

Attendance to twinning light programmes is compulsory for those officers identified to participate.

Question 22 (p. 10)

Could you provide more information regarding the separation of lanes for EU/EEA/CH and third country nationals?

Currently, each border control channel in both arrivals and departures has a sign indicating whether the specific channel is to be used by 'EU/EEA/CH Nationals' or 'Non EU Nationals', as being used in airports and seaports in other EU countries. This is the current procedure being used for the separation of lanes in both the Malta International Airport and the Seaport Terminal.

Work is underway to change these signs to 'EU/EEA/CH Citizens' and "Non EU Citizens' so as to be in line with the envisaged provisions of the Schengen Border Code.

Question 23 (p. 10)

Could you provide more information on how exactly the checks regarding the different types of vessels are carried out?

Prior to the vessels entering and berthing at the Maltese ports, the police border control unit and customs are informed.

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Once vessels reach Malta, ferry passengers go through border control in the Seaport Terminal. With regard to fishing, cargo and other vessels, once the vessel berths at the Maltese port, the border control and customs personnel board the vessel and carry out checks of persons present against the crew lists. No person can disembark the vessel before the border control unit and customs personnel would have carried out the necessary checks.

Question 27

When will ongoing works at international airport be finalised? Which system will you introduce to separate passenger flows?

The works that are currently being carried out within the Malta International Airport on the new arrivals terminal will be ready by July 2006. At the arrivals terminal, passengers arriving from Schengen and non-Schengen flights will be segregated immediately from disembarkation. Therefore passengers will pass through separate arrival areas and through separate Arrival Border Control points. Total separation of transit passengers from non-Schengen to non-Schengen flights and from Schengen to Schengen flights will also be catered for.

With regard to the departure of passengers, segregation of passengers commences from the Departure Border Control points. From this point, passengers will be directed into two separate departure lounges, one for departing Schengen flights and the other for departing non-Schengen flights, each having separate boarding gates. This segregation of passengers continues up to the point of boarding on the planes.

Question 44 (p. 14)

Do these figures refer to cases handled or to sanctions imposed?

No statistical data is available in this regard.

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Further clarifications on visas

58. You state that “the Malta Police Force is currently the competent authority that issues visas. What is the competence of diplomatic missions and consular posts in issuing visas? Please clarify the system.

The diplomatic missions and consular posts act as the front office for Malta’s visa issuing structures. All applications received need to be cleared by Malta’s visa officers, only after having checked that each application is complemented by supporting documentation.

The application is then transmitted to the Immigration Police for their approval. Visa officers within Malta’s diplomatic missions and consular posts have the faculty to make remarks about the applicants, whenever deemed necessary. The Immigration Police will then either authorise or refuse visa applications.

In the case of visa refusals, Malta’s visa officers must strictly abide by this decision. In the case of visa approvals, visa officers are empowered to overturn such a positive decision on re-assessment.

60. How do you keep track of the visa stickers within the consulate? How do you store the visa stickers? Please explain the details.

Visa stickers are submitted to the Maltese missions via diplomatic mail and/or through a mail courier. On receipt at the mission, they are checked and immediately stored in the safe storage in the Consul’s office. Only a limited number of persons will have access to this safe, namely the Consul and the Head of the Visa Section. The Consul or Head of the Visa Section will only provide visa clerks with the uniform visa stickers, upon request, for their daily work. Visa clerks are requested to sign a receipt for the visas received. A computer program registers the visa clerk’s name and the corresponding number of each sticker. At the end of the working day, visa clerks will return all unused stickers to the Consul or Head of the Visa Section for safe storage.

62. Do you have follow up trainings for consular officers already posted abroad? Do you have feedback on the efficiency of the training for example through tests at the end of the trainings?

Yes, there are opportunities for consular officers to share and exchange experiences, not only with other diplomatic missions and consular posts of other EU Member States, but also through follow-up training through various twinning projects.

There is no feedback on the efficiency of the training.

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64. How do you transmit non legislative documents of the relevant Council working groups concerning practical harmonisation and policy issues?

When necessary, the Consular and Protocol Directorate within the Ministry of Foreign Affairs issues instruction notes and circulars reflecting policy decisions taken at Council Working Groups.

69. Which provisions have been or will be adopted in order to introduce the travel medical insurance for third country nationals (Council Decision 2004/17/EC)?

For the time being, no provisions will be adopted.

Do you require travel medical insurance also from nationals of third countries listed in Annex II of Council Regulation 539/2001?

No travel medical insurance is required.

72. Do you give the grounds for refusal in case of family members of EU citizens?

No.

73. Do you issue visas free of charge to citizens of third countries on the basis of nationality?

Yes, Malta not being part of Schengen still has a number of bilateral agreements with its neighbours on visa-fee-free arrangements.

74. How many visas have been issued at the sea border (and out of them, how many to seafarers)?

The total number of visas issued at the sea border in 2003 is 219, whilst 64 such visas were issued in 2004. A total of 173 visas were issued at the sea border in 2005.

Please provide information on Airport Transit Visas issued (they are not indicated in your statistical tables).

To date, no airport transit visas have been issued.

75. Do you issue visas at the border to family members of Union citizens?

Yes.

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Additional questions - Visa

- **Are your diplomatic missions and consular posts empowered to issue residence permits?**
No, Malta's diplomatic missions and consular posts are not empowered to issue residence permits.
- **In Annex 15 CCI your country provides no form for proof of invitation, sponsorship and accommodation. Are there no legal provisions/administrative rules or practices on such forms?**
The practice is that the applicant needs to prove where he is going to reside in Malta. In the case of a student, the applicant also needs to produce proof of invitation or school registration, denoting term of study. In addition, all applicants need to prove that their subsistence is sufficient to see them through the entire stay.
- **Please describe the practice followed when issuing visas to applicants who are non-residents in the country where they lodge their application?**
The practice followed in those cases where non-residents lodge an application is the same as normal resident applicants.
- **Please describe the practice followed when issuing visas to holders of travel documents which you do not recognise?**
Once there are travel documents which Malta does not recognise, no visas are issued.

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