

IMMIGRATION APPEALS BOARD DIVISION II

Members:

[REDACTED]
[REDACTED]

Representatives:

[REDACTED]

[REDACTED]
DO [REDACTED]
[REDACTED]

24 March 2022

[REDACTED] appeared in representation of the appellant, who was also present.

[REDACTED] acted as interpreter.

[REDACTED] said that there was no objection to the composition of the Board given the absence of Dr Mario Mifsud replacing Mr Peter Paul Caruana.

The Board noted that the PIO representatives were not available due to other commitments.

[REDACTED] informed that the case was being heard before Immigration Appeals Board (Division I) and that the same Board had difficulty to decide on the case given that the Chairperson registered a conflict of interest due to her other role in the Minors Care Review Board.

[REDACTED] questioned whether there was a similar conflict of interest before Division II given that the same Board will decide on both the Detention Order, as well as the Age Assessment Appeal.

The Board advised that [REDACTED] should register an objection if he felt that Division II had a conflict of interest to hear both cases.

[REDACTED] declared that he wished to proceed with the hearing.

[REDACTED] said that despite the Age Assessment carried out by AWAS, there was still the presumption of minority and detention was a measure of last resort. He demanded that the Board considers that in the meantime the appellant is released in the Buffer Zone within AWAS Open Centre.

The Board noted that the date of birth declared by appellant upon arrival was 10 November 2001. In this regard, detention so far was considered legal, however until the Age Assessment Appeal is decided, the appellant is to be shifted to the Buffer Zone within the AWAS Open Centre under those conditions that are considered appropriate and necessary by AWAS.

The sitting is adjourned for 19 May 2022 at 13.00, for continuation.