

IMMIGRATION APPEALS BOARD DIVISION II

Members:

[REDACTED]
[REDACTED]
[REDACTED]

Representatives:

[REDACTED]
Inspector [REDACTED]

B [REDACTED]
[REDACTED]

4 October 2021

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

Inspector [REDACTED] appeared in representation of the Police.

The Board noted that [REDACTED] had filed submissions in relation to the appellant's detention order.

Inspector [REDACTED] said that the appellant entered Malta on 14 July 2021 from Libya. He said that the appellant was detained by the health authorities and released on 30 August 2021. He said that the appellant was subsequently issued with a removal order.

Inspector [REDACTED] said that prior to the issuance of the removal order, the PIO had checked on the international asylum seeker system and they were not issued on such system. He said that after some time they were informed by the International Protection Agency, the applicant was an asylum seeker and hence the removal order was dismissed, and the PIO issued a detention order. He said that an age assessment was carried out by AWAS and declared that the appellant was not a minor.

[REDACTED] said that the appellant appealed the age assessment on 2 September 2021.

The Board noted that until the appeal to the age assessment is decided, the appellant was still considered a minor.

Inspector [REDACTED] noted that minors may still be detained separately from majors with a detention order.

[REDACTED] said that there is no ground for the detention order until the age assessment appeal is decided.

The Board asked Inspector [REDACTED] to confirm whether the detention order is to be kept active. It noted that the appellant will still be put under the care of AWAS.

Inspector [REDACTED] said that since the appellant had lied about his age and identity, he is not to be trusted and there is a risk of abscondment. He said that the appellant is from Ghana and information in his regard would be easily accessible.

The Board noted that since the appellant has appealed the AWAS decision, the presumption is that he is a minor and therefore the detention order will be withdrawn. The appellant must therefore be put under the care of AWAS.