

ACCESSION TO THE SCHENGEN ZONE – MALTA



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The European Union



Basic information on Malta



- Malta is an Island with no Land Border
- Population: Circa 410,000
- Official languages: Maltese/English
- Total Area: Malta 246 sq. km
 - Gozo 67 sq. km
 - Comino 2.7 sq. km
- Total Coastline: Malta 196.80 km
 - Gozo 56.01 km
- Density: 1297 per sq. km
- Capital: Malta – Valletta
 - Gozo - Victoria (Rabat)
- Location: 93 km South of Italy
 - 288 km South East of Tunis
- Maltese territorial seas extend to 12 nautical miles with an area of 3,805 square km
- Year of EU entry: May 2004
- Accession to Schengen: December 2007
- Political system: Republic
- Currency Euro from 1st January 2008





Schengen Member States

- Belgium, Denmark, Germany, Finland, France,
- Greece, Italy, Luxembourg, The Netherlands,
- Portugal, Sweden, Austria, Spain
- Malta, Latvia, Lithuania, Hungary, Slovakia, Czech Republic, Slovenia, Poland and Estonia

as well as, outside the European Union,

- Iceland, Norway and
- Switzerland, and

Soon

- Bulgaria and Romania (New MS's), and
- Cyprus which is an EU Member State still pending

Combined population of close to 600 million citizens

The Schengen Convention



- Concepts of internal and external borders (Articles 2 – 8)
 - These were repealed, still appear in convention but substituted by Reg 562 of 2006
- Common visa for the Schengen area (Articles 9 – 18)
 - Art 10(2) became obsolete with Reg 1683/95 on uniform visa format
- Conditions permitting the entry of aliens (Articles 19 – 24)
 - Art 18 was only amended with 1091/2001 – Article 19(2) also repealed with 1683/95
- Set of procedural rules concerning refugees (Articles 28 – 38)
- Police co-operation (Articles 39 – 47)
 - Only 47(4) repealed
- Judicial co-op on criminal/penal law (Articles 48 – 53, 67 – 69)
 - Only 49(a) repealed and 50, 52, 53 due to convention of the EU on mutual assistance. 60 also obsolete due to extradition convention
- Narcotics (Articles 70 – 76)
 - 70 obsolete due to narcotic drugs convention
- Firearms and munitions (Articles 77 – 91)
 - 77 to 90 due to Directive 91/477
- Schengen Information System (Article 92 – 119)



Monitoring of the Implementation of the Schengen Acquis

BEFORE ACCESSION

- Continuous monitoring by the Commission (Regular reports),
- Schengen Action Plans, monitoring tables, peer review missions, (Follow up reports)
- Comprehensive Monitoring Report



Monitoring of the Implementation of the Schengen Acquis

AFTER ACCESSION

- Schengen Evaluation procedure (SCH-EVAL WG)
- reply to questionnaire (all parts of the Schengen acquis)
- evaluation on the spot (external borders, visas, police cooperation, data protection)
- Council decides unanimously on full application of the Schengen
- acquis (lifting of internal border controls)

Police Organisation Chart

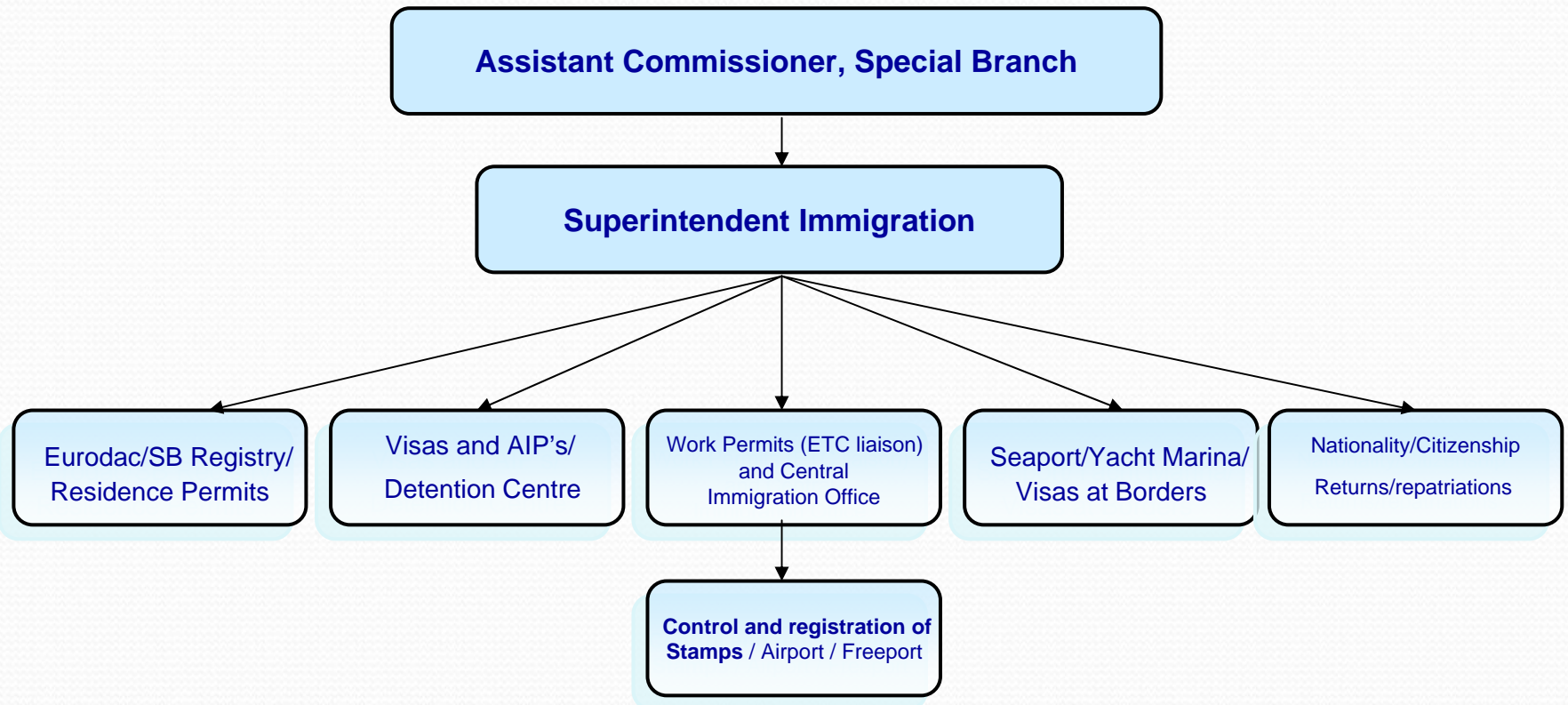


- Malta has one Police Force.
- The Police General Headquarters (PGHQ) are situated in Floriana.
- The Malta Police Force joined Interpol in 1972 and Europol in 2003.
- The Malta Police is also responsible for Immigration issues and as such has an Immigration Section





Duties of Inspectors at Immigration Section (*In addition to field duties*)



THE CONTROL OF THE EXTERNAL BORDERS OF THE EU



MALTA INTERNATIONAL AIRPORT

(Airside)

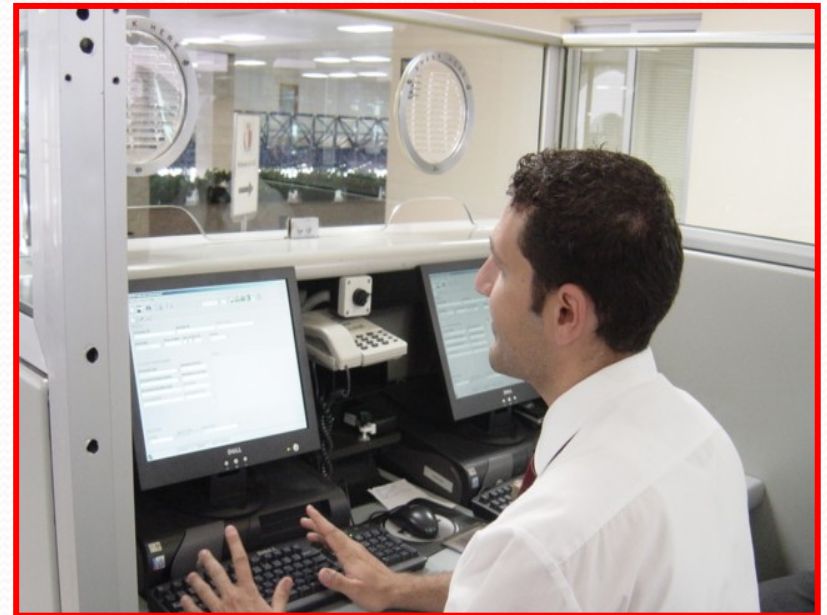


The Malta International Airport is the only airport in Malta. It serves the whole Maltese Archipelago. It is located between the villages of Luqa and Gudja and occupies the location of a former Royal Air Force airport. MIA was completely re-furbished becoming fully operational on March 1992. It is sometimes referred to as Luqa Airport and as Valletta Airport internationally. MIA is located 8 kilometres from the Maltese capital Valletta. New enhancements are in progress. It serves both Schengen and extra-Schengen flights.

MALTA INTERNATIONAL AIRPORT

(Immigration Control)

Officers attending to passengers at Immigration booths



MALTA SEA PASSENGER AND CRUISE LINER TERMINAL

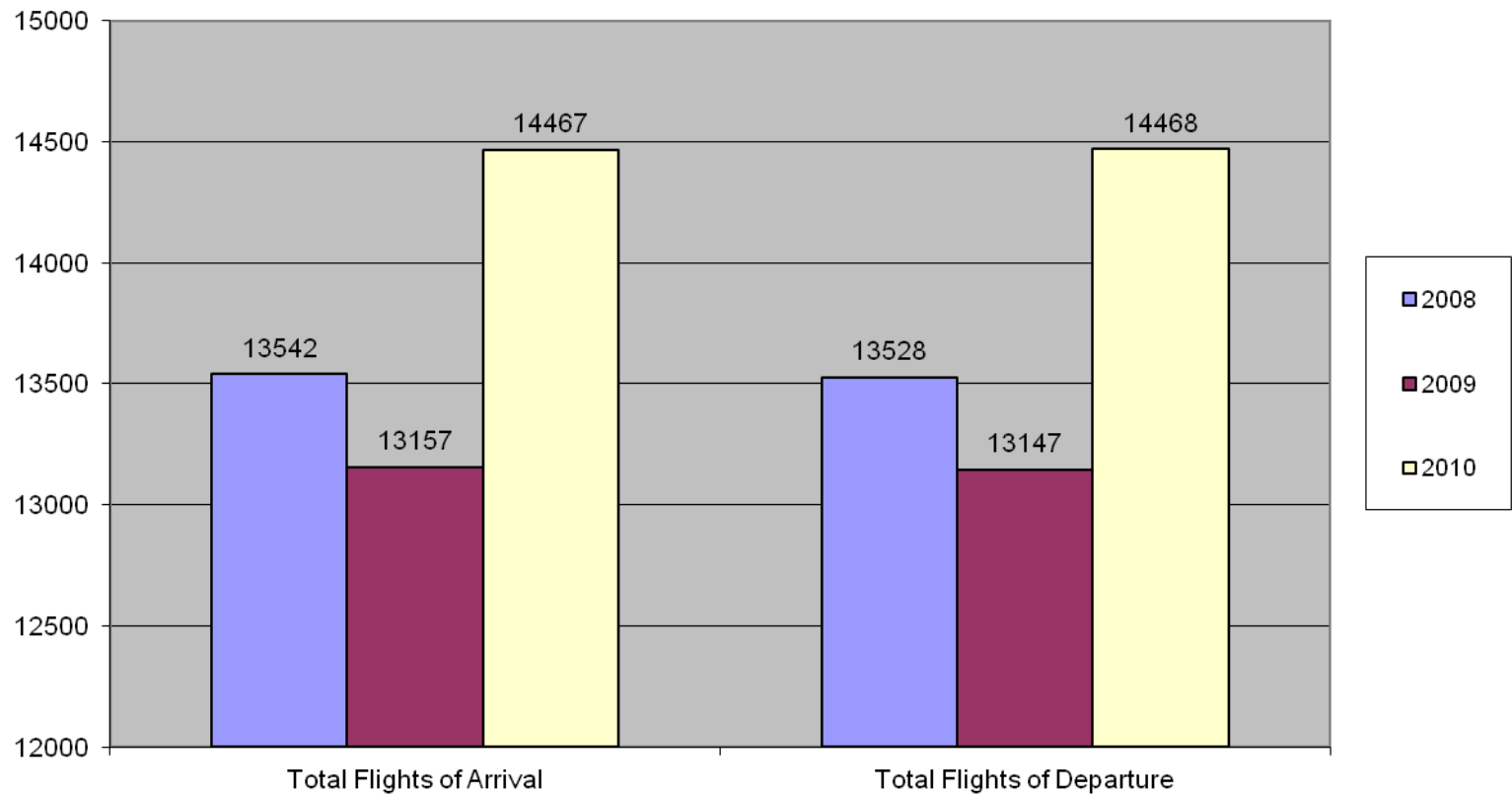
Immigration Police Patrol on Quay Side at the Sea Passenger Terminal



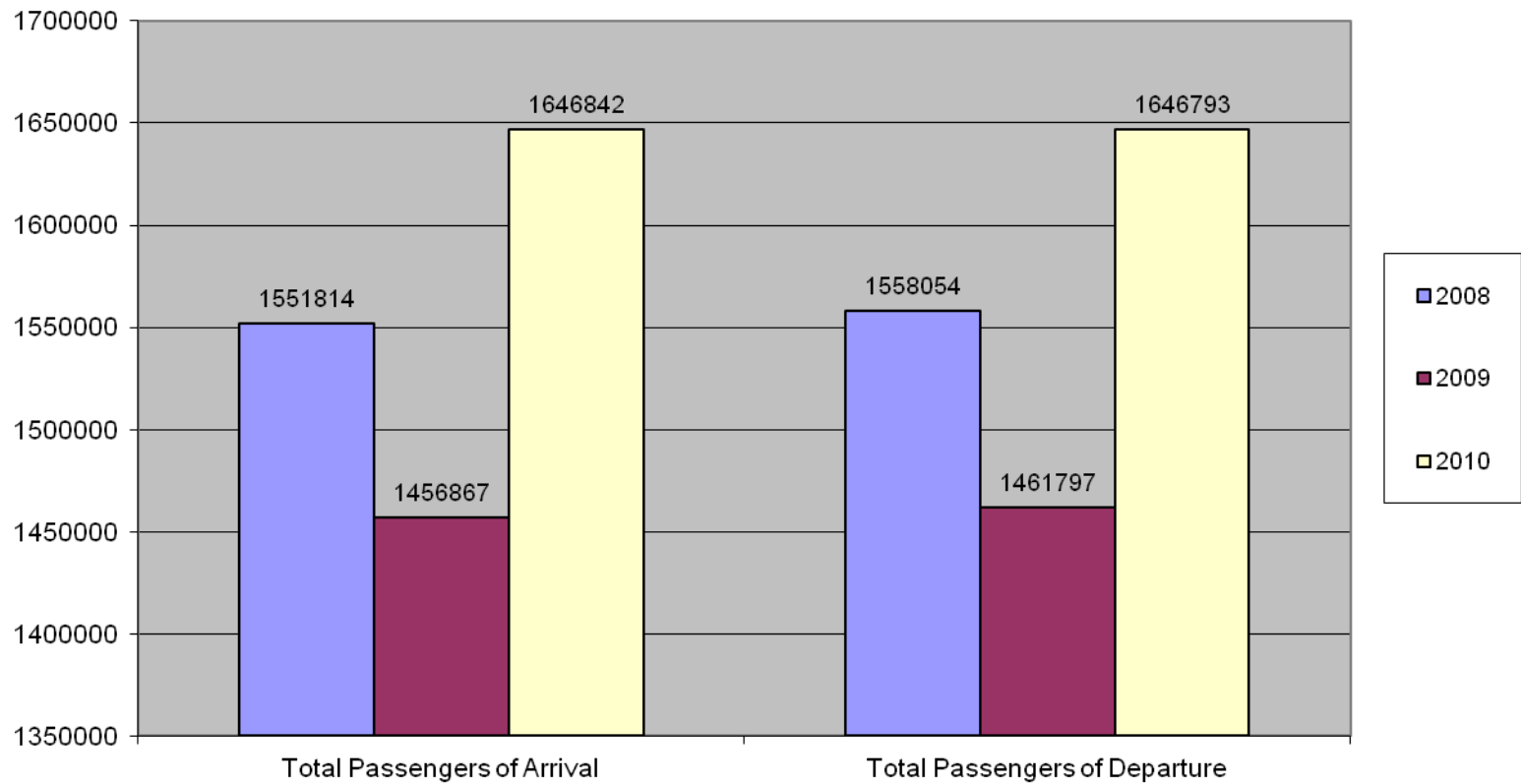
Non-Schengen transfer desk at arrivals



Total flights arrivals and departures



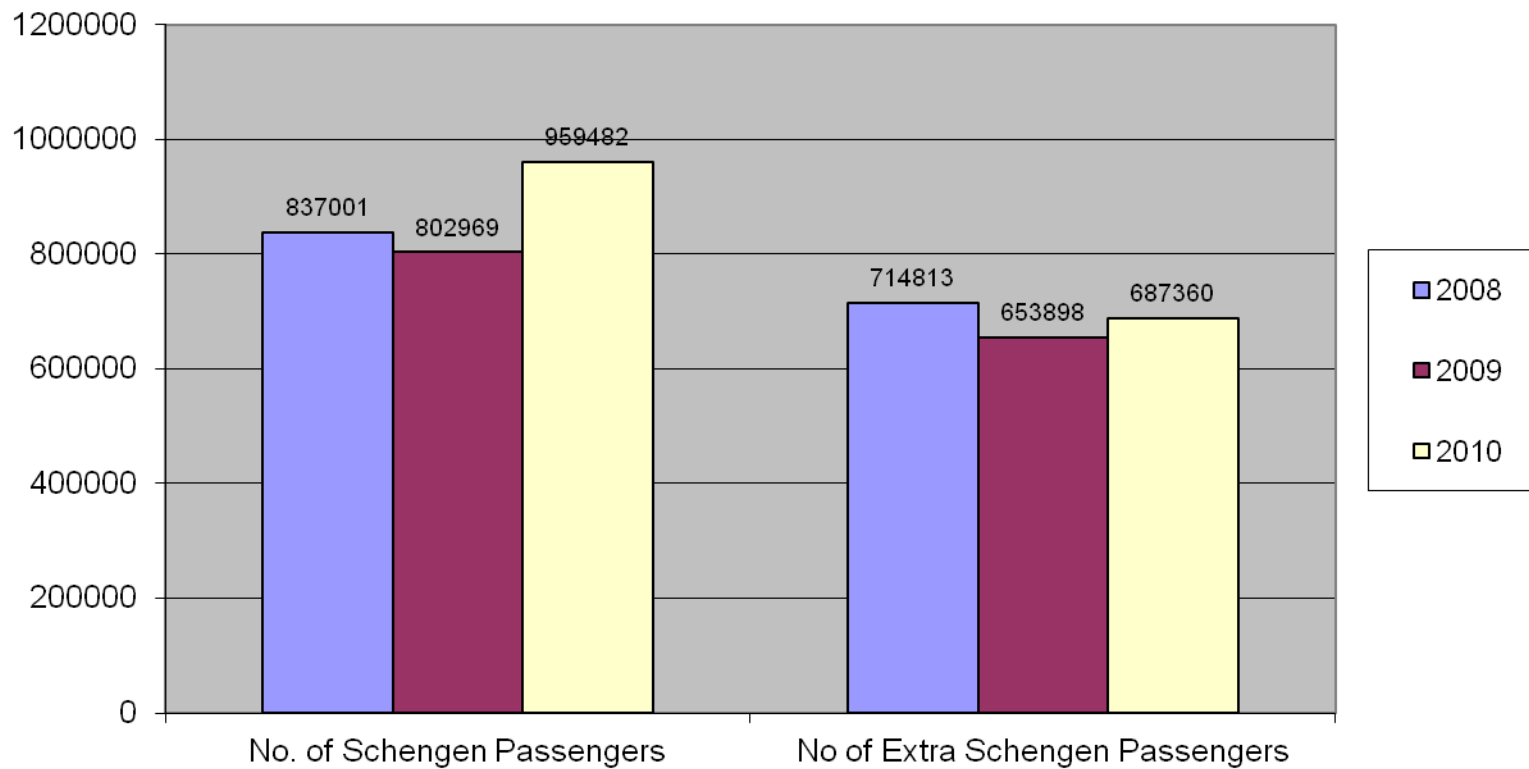
Total Passengers



Arriving Flights at MIA



Arriving Passengers at MIA



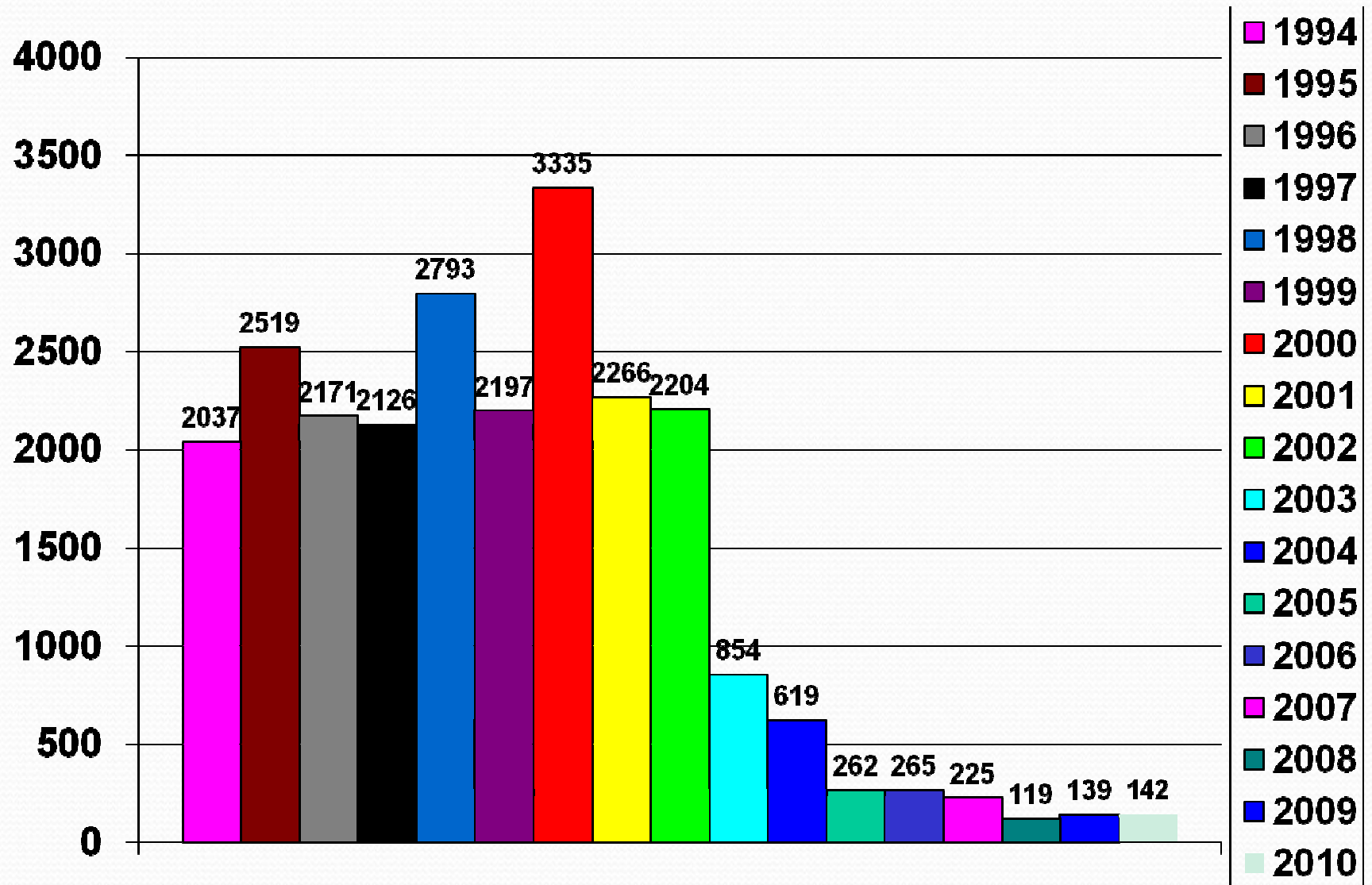


Border Checks: Main Principles

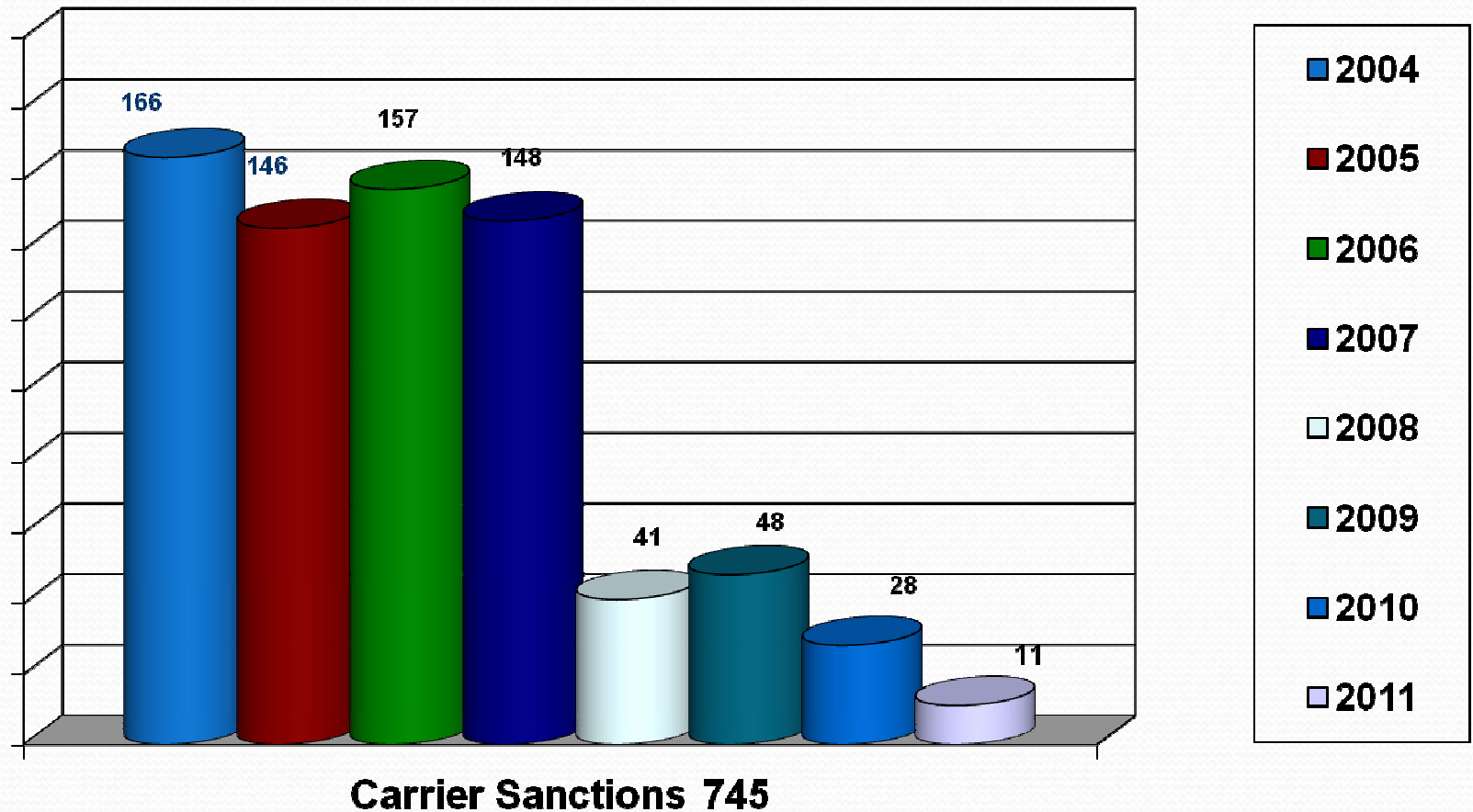
As defined in the Schengen Convention:

- **Refusal of entry:**
 - Threat to public order or security
 - UN list Common position
 - Immigration (expulsion/removal)
- non-fulfilment of entry conditions
- issuing of a uniform form for refusal (grounds)
- information to the person and possibility of appeal
- Border guards to ensure that the person does not enter the territory

Inadmissible passengers from 1996 to 2010



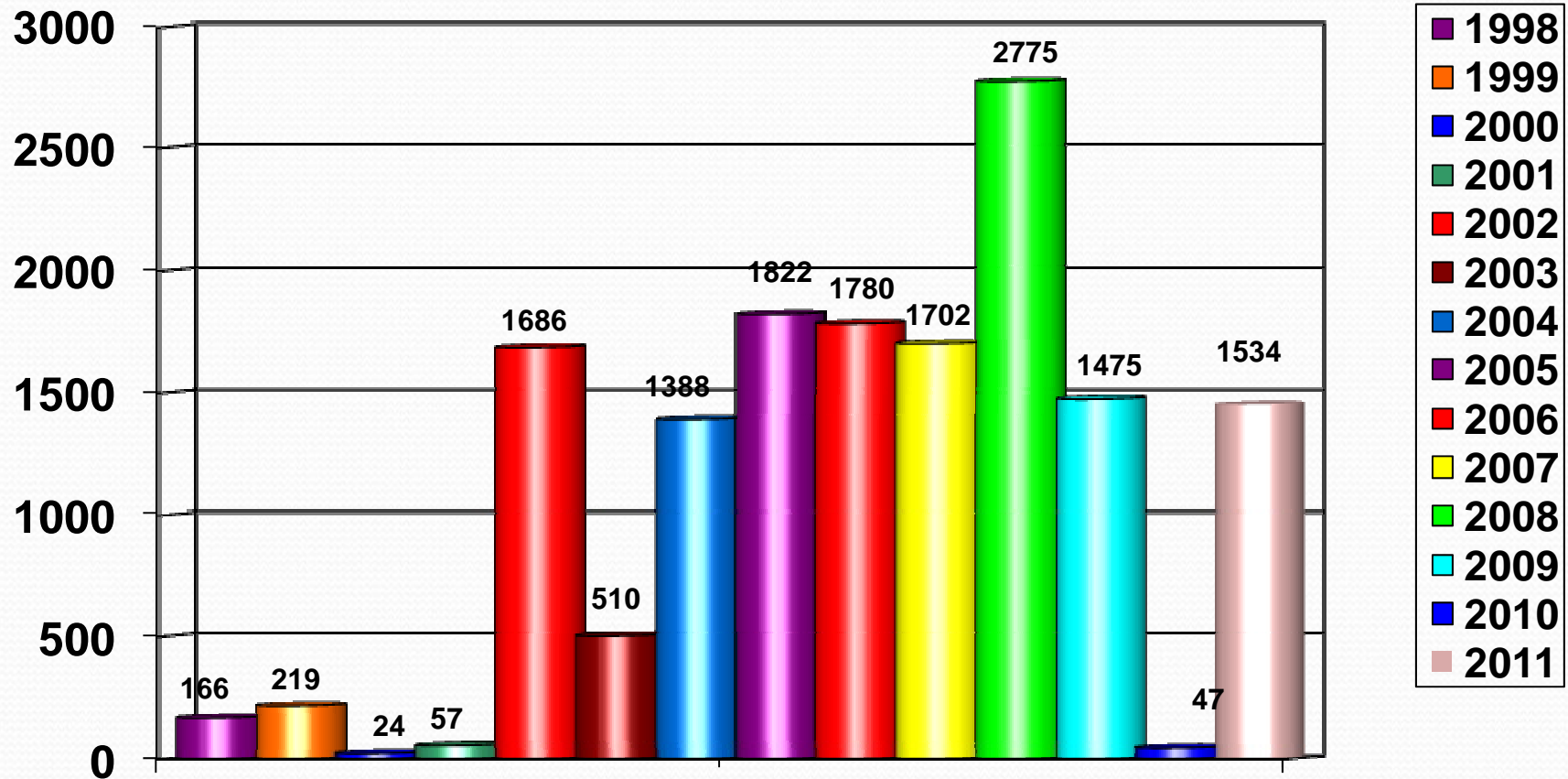
Carrier Sanctions issued from 2004 to October 2011



EU Southern Border main threat



Arrivals of Immigrants on Boats 1998 to 2011



CROSSING INTERNAL BORDERS





Crossing Internal Borders

- **Key principle of Schengen: no border control on persons at internal borders (no check points, removal of traffic obstacles)**

HOWEVER:

- Police and other security checks (including in border areas) remain unaffected
- Possibility of reintroducing border checks temporarily in exceptional cases



Reintroduction of Border Control at Internal Borders (I)

- **Conditions:**
 - Serious threat to public policy or internal security
 - Limited period of 30 days (renewable)

N.B. Relevant provisions on external border control apply *mutatis mutandis*





Reintroduction of Border Control at Internal Borders (II)

- **Procedure :**

- Foreseeable events :

- notification and consultation with Member States and Commission (at least 15 days before); Commission may issue an opinion

- Unforeseeable events (urgent cases) :

- immediate re-introduction of controls and successive notification

NB: in both cases a report of the control has to be submitted to Council after the reintroduction is over



Reintroduction of Border Control at Internal Borders (III)

- **In both cases (normal/urgent procedure):**
 - general public is to be informed of the reintroduction (unless overriding security reasons prevent that)
 - a report on the reintroduction is to be presented to the EP, the Council and the Commission

Maltese Immigration Police's experience with the Schengen Information System et

Articles 25, 39-46, 96 and 100 CISA



S.I.RE.N.E. MALTA

**Supplementary
Information
REquest
National
Entries**





S.I.RE.N.E. MALTA

DUTIES

The S.I.RE.N.E. Office ensures liaison with the relevant offices of the Countries which are party to the Schengen Agreement and the Schengen Convention.

Article 25 CISA

- Consultation procedures;
 - Consultation between Member States when considering issuing residence permits to subjects of article 96 alerts;
 - Consultation between Member States when considering entering article 96 alerts against third country nationals who are granted residence permits;
 - Circa 30 consultation requests are received annually regarding Maltese SIS article 96 alerts.

Art. 39 – 46 CISA (as amended by Framework Decision 2006/960/JHA)

- Police cooperation –
 - An ever increasing amount of exchange of information regarding the seizure of forged, misused, stolen and lost travel documents; cases of illegal immigration and trafficking in human beings; other criminal investigations such as drug trafficking; (especially with Italy, Spain and Greece)
 - Few surveillance operations;

Cooperation under Title IV CISA

- Article 95 – 100 CISA
 - Increase in arrests for the purpose of extradition (surrender pursuant to EAWs)
 - Increase in cases of refused entry pursuant to article 96 alerts; Circa 50 annual external hits regarding article 96 alerts issued by the competent Maltese authorities;
 - Decrease in the number of article 96 alerts issued by the Maltese competent authorities in the SIS as historical records start to be reviewed and deleted.

Cooperation under Title IV CISA (2)

- An ever increasing number of art. 100 alerts concerning lost, stolen, misappropriated or invalidated issued documents;
 - Residence Permits;
 - VISA;
 - Identity cards;
 - Passports;
 - Others
- Thousands of alerts are entered by Malta annually; They mainly relate to documents reported lost or stolen by tourists;
- Very few hits
- Some hits regarding Maltese alerts on documents show that these documents are being forged by third country nationals to attempt illegal migration;



Conclusions

- Schengen police cooperation is effective;
- The Schengen Information System is an efficient tool;
- The workload within the SIRENE Office and the Immigration Section related to SIS alerts is ever-increasing;



Thank you for your attention
Any questions?

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