

13 FROM ST PAUL TO *FEILAZOO V* MALTA, FROM ASYLUM LAW TO THE SALE OF CITIZENSHIP – HOW MALTA AND EU LAW LOST L’ESPRIT DE L’EUROPE AND THE WAY FORWARD

Ivan Sammut

Malta boasts that it has been a welcoming post for migrants since ancient times. Malta is proud of its role in welcoming St Paul in 60 AD and also of its Christian roots. However, in practice, the Christian roots and the fact that it welcomes migrants may be just a gimmick. The article discusses Malta’s egoistic approach towards migration and its structured legal and enforcement system. It seeks to attract third-country nationals by ‘selling’ EU passports yet treats migrants horrendously. The article aims to explain the hypocrisy of Malta’s legal and political position on migration and show how its European values are compromised.

13.1 INTRODUCTION

Malta has been a country of emigration for many decades. However, since 2002, after the increasing inflow of migrants started in the early nineties, it has begun to realise its switch to a country of immigration. With a population of around 500,000 and an area of around 300 square kilometres, the island of Malta, as an independent state, has the highest population density in Europe. Since it joined the European Union (EU) in 2004, the country has seen a significant increase in undocumented migrants arriving by boat from Africa. The authorities have struggled to cope with this influx, and observers are concerned that the country’s heavily criticised detention centres are unprepared to house so many people. Criticism has also been levelled at the government’s policy of mandatory detention of asylum seekers. As a result, Malta has sought ‘burden sharing’ assistance from the EU and the international community to improve the country’s capacity to receive, house and process irregular migrants and asylum seekers.

13.2 MALTA FROM EMIGRATION TO IMMIGRATION

Like many other Southern European countries, Malta had for centuries been a country of emigration rather than immigration. This was particularly strong during the first eight decades of the 20th century when many Maltese migrated to other countries, mainly different parts of the British Empire or former colonies such as the UK, Australia, Canada and the USA.

During the two world wars, the aforementioned outflow assumed permanence, and the government even established a Department of Emigration, which was only dismantled in January 1995.¹ The Department aimed to facilitate emigration mainly to other parts of the British Empire for economic reasons. After World War II, emigration peaked owing to the economic downturn. Malta's biggest employer at the time, the Drydocks, which employed over 11,000 workers, began to downsize. Economic crises, coupled with the post-war baby boom, triggered a new phase of economic emigration. According to King,² around 140,000 Maltese left Malta between 1946 and 1979 through the Assisted Passage Scheme. Slightly over 57% of the total number went to Australia, while 22% went to the UK, 13% to Canada and 7% to the USA. Thus, 30% of the population emigrated.

Consequently, the population of Malta decreased (by 5,404) between 1957 and 1967.³ During the 1970s, economic emigration started decreasing, and the country began experiencing the first influx of returnees. Returns had always been part of general migration programmes, and one in four former emigrants usually came back, contributing to a total of around 39,000 returnees between 1946 and 1996.

Despite the extensive emigration, Malta's location and historical factors also made it attractive for some groups of immigrants. For example, at the end of 2009, Malta hosted 18,100 foreign nationals, i.e. 4.4% of its total population, well below the then EU average of 6.4%. 2% of these were EU citizens, predominantly active or retired British nationals and their dependents centred in Sliema and its surrounding modern suburbs, as well as Italians and other nationalities, while 2.4% were from non-EU

1 National Statistics Office – Malta, News release No. 126/2004, 5 July 2004, available at: www.nso.gov.mt/statdoc/document_file.aspx?id=588 (accessed 20 May 2023).

2 King, R. (1979), 'The Maltese Migration Cycle: An Archival Survey', *Area* 11 (3): 245-249. www.jstor.org/discover/10.2307/20001477?uid=3739008&uid=2&uid=4&sid=21103019821863.

3 Attard, L. E. (1989), *The Great Exodus (1918-1939)*. Malta: Publishers Enterprises Group, p. xvii, available at: www.maltamigration.com/history/exodus/.

countries.⁴ In addition, many smaller foreign groups, including Italians, French, and Lebanese, have assimilated into the Maltese nation over the decades.⁵ Emigration has been particularly low since the mid-1980s. With Malta's accession to the EU, in 2004, many people left Malta mainly to take up jobs with the EU institutions, particularly in Belgium and Luxembourg. However, this cannot be compared with the economic migration of the 1950s and 1960s. In fact, this outflow represents a small number of expatriates who only leave for a couple of years seeking a different work experience, and, eventually, most return, to be replaced by a younger generation.

By contrast, immigration, particularly by boat, is a recent phenomenon. In the 1990s, migration outflows started reversing, and Malta became a transit country for migration routes from Africa towards Europe. According to the Ministry for Justice, Malta received between 50 and 60 migrants per year (not including EU citizens and returnees) before 2000, mostly from North Africa, generally claiming asylum on arrival.⁶ During the first Gulf War, in 1990 and 1991, a few hundred Iraqis arrived in Malta, intending to move on to Northern Europe and North America eventually. Most of them were resettled.

In the first decade of the 21st century, the number of immigrants arriving in Malta increased sharply. Most of them arrived by boats during the summer, carrying irregular migrants from sub-Saharan Africa who travelled through Libya. In 2002, a record 21 boat landings brought 1,868 irregular immigrants who had no personal documents or other means of identification. In 2005, 2006 and 2007, Malta received about 1,800 immigrants every year. After reaching a peak in 2008, when 2,775 people arrived in Malta, landings totalled 1,475 people in 2009, 47 in 2010, 1,579 in 2011, 1,890 in 2012 and 2,008 in 2013. Most immigrants were then resettled elsewhere in Europe and North America.

Malta was caught unprepared and faced a considerable strain on its existing infrastructure. The majority, i.e. between 70% and 90% or more, of undocumented migrants landing in Malta were asylum seekers in need of international protection. Concerning the size of the asylum seekers' population, Malta became one of the EU's main recipients of asylum applications.

4 Eurostat Press Release 129/2010 – 7 September 2010, Population of Foreign Citizens in the EU27 in 2009, available at: http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-07092010-AP/EN/3-07092010-AP-EN.PDF (accessed 2 July 2022).

5 Demographics of Malta, available at: www.princeton.edu/~achaney/tmve/wiki100k/docs/Demographics_of_Malta.html (accessed 2 July 2022).

6 Baldacchino, G. (2002), 'A Nationless State? Malta, National Identity and the EU', *West European Politics* 25 (4): 191-206.

The Office of the Refugee Commissioner (REFCOM), which had become operational a few months before their first arrival, had to deal with them. When the REFCOM was set up, based on previous experience, no one had envisaged such an extensive caseload. Therefore, coping with the arrival of such large numbers of asylum seekers in a relatively short time was not an easy task. Moreover, Malta found itself in a particularly disadvantaged position owing to the implementation of the so-called Dublin System in the EU context, according to which the member state usually responsible for handling an asylum claim is the state through which the asylum seeker concerned first entered the EU. Hence, it is unsurprising that immigration and asylum issues have become hot topics in Malta.

As a result, irregular immigration and asylum have been high on Malta's agenda since this irregular migration by boat from Africa's northern shores to Europe took hold. In fact, over the past decade and a half, Malta has repeatedly called for solidarity as it lacks essential resources and space to tackle the phenomenon. EU immigration and asylum policy has also developed over the past years. Still, the rhetoric has often not been followed by effective practical action, and there remains a considerable discrepancy between the asylum responsibilities of various member states. Since fair responsibility-sharing would ensure a stronger protection system within the EU, benefiting both the Member States and the asylum seekers, it has become necessary to evolve a mechanism that shares asylum responsibility more equitably among the Member States. This has been a central issue in Malta's relationship with its European partners.

13.3 *FEILAZOO V. MALTA: A TRUE SNAPSHOT OF MALTA'S SITUATION*

Countless articles have been written about migration and Malta. This article is not meant to be another one of its kind on the topic but intends to expose the reality that migrants face in Malta. Malta generally boasts that it is a place that welcomes foreigners with open arms and hospitality. The patron Saint of Malta is St. Paul, and the Maltese Catholics are proud that their ancestors, circa 60 AD, welcomed St. Paul on the island after his vessel bound for Rome was put off course by a storm and landed somewhere in Malta. This is recorded in the Bible under the Acts of the Apostles following the Holy Gospel. Legends and traditions surround this incident, and St. Paul is credited with having converted the Maltese from paganism to Roman Catholicism during his stay in Malta. At this point, emphasis is placed on the fact that the Maltese deem themselves a very hospitable nation and are ready to go out of their way to help those who, for various reasons, ended up on the Maltese shores.

All nations like patriotism, and the Maltese hospitality of St. Paul are examples of heroism and patriotism mixed up with the notion of hospitality. However, the reality may be different. A good way of looking at the reality of the last decade of the 21st century is to use the case of *Feilazoo v Malta*, which was decided by the European Court of Human Rights (ECtHR) in Strasbourg.⁷ This case is a typical example of an African migrant who arrives on Maltese shores and experiences how the much coveted Maltese hospitality actually plays out.

13.3.1 Facts

The case concerns the conditions of the applicant's immigration detention and its lawfulness under Articles 3 and 5 of the Convention, respectively. It also concerns complaints under Article 34 of the Convention concerning the proceedings before this Court, related mainly to interference with correspondence and domestic legal aid representation. On 12 April 2018, criminal proceedings were instituted against the applicant for assaulting and violently resisting the correctional officers, threatening or causing them bodily harm, causing them injuries of a slight nature, disobeying lawful orders, and wilfully disturbing public order and peace. He was placed in pre-trial detention on the same day. On 5 February 2019, the applicant was found guilty of all the charges against him and sentenced to 2 years' imprisonment and a fine of EUR 5,000. He was ordered to pay the costs of the expert who had examined him and was declared an illegal immigrant under Articles 5 (2) (d) and 14 of the Immigration Act. Therefore, the court held that an order for deportation would be issued once he finished serving his sentence.

An appeal judgment on 16 May 2019 confirmed the applicant's guilt. However, the punishment was reduced because of the circumstances of the case, particularly the long period of incarceration of the applicant and the behaviour of the immigration authorities. He was imprisoned for 2 years, suspended for 3 years, and fined EUR 4,000. His immediate deportation (after the payment of the fine) was ordered. On the same day (16 May 2019), the applicant was released from prison and detained there since 12 April 2018 in pre-trial detention. He was transferred to a closed detention centre for immigrants. According to the applicant, the authorities did not have the required passport to send him back to Nigeria, given that his passport had expired while in prison. According to the government, utilising a verbal note from 17 May 2019 (and another from 17 December 2019), the Maltese authorities requested their Nigerian counterparts to issue emergency travel documents to the applicant. By a further

⁷ App 6585/19 decided on 11 March 2021.

judgment on 24 May 2019, the EUR 4,000 fine resulting from the judgment on 16 May 2019 was converted into 6 months' imprisonment owing to the applicant's inability to pay that sum. The court sympathised with the applicant but considered that the 6 months could not be deducted from his 13 months in pre-trial detention. The court further ordered that the applicant be deported at the end of his term of imprisonment and that the immigration authorities organise themselves to deal with this in due time because of their past behaviour.

On the same day, the applicant was released from Safi Barracks, where he was serving his immigration detention, and imprisoned at the Corradino Correctional Facility. The applicant claimed that in prison, he was moved from one security regime to another in an attempt to bar him from having any contact with persons and to impede his access to legal aid to proceed with his case against the officers, as well as hindering his application to the ECtHR. He further claimed that he was being denied access to his medical documents to substantiate his complaint or to make any photocopies of his correspondence with the Court, which he considered was being tampered with. According to the applicant, the treatment he was subjected to resulted from discrimination. He was transferred from a medium security division to a high-security division owing to his unruly behaviour, in particular, instigating several prisoners to create disorder. At one point, he possessed several prohibited items in his cell. He was released from the Corradino Correction Facility on 14 September 2019 and was placed in immigrant detention at the Safi Detention Centre. He was not informed of a date for his deportation.

He refused to leave the detention centre unless he was provided with a passport to travel into Europe. He believed he was entitled to such a travel document, under European law, after spending 12 years in Malta. His request was refused on the basis that he was a prohibited alien. Consequently, the applicant declined to leave the detention centre until 22 December 2020, when he was offered accommodation at the Hal Far Open Centre. Malta also submitted that the Nigerian authorities had refused to issue the applicant with travel documents before meeting with him.

13.3.2 Observations

Feilazoo, when interviewed by the *Times of Malta*, recounted how he had been 'humiliated' by a full-body search, accused of being a ringleader and transferred into another division the day after he complained about prison food. He said that the morning

after he complained, he was woken up abruptly at 6.30 am and taken to a room where he was stripped and ‘forced to squat and the orifices of his body were searched’.⁸

In his application before the ECtHR, Feilazoo complained about excessive force used on him during his detention, the lack of an investigation into this, his conditions of detention, that some periods of his detention had been unlawful, and that the state had hindered his right of petition before the court. In its judgment by seven judges, including Maltese judge Lorraine Schembri Orland, the court observed that while Feilazoo had submitted photos of the detention conditions he had been subjected to, Malta’s Attorney General merely relied on ‘general, unsubstantiated statements’. It also noted that neither Feilazoo nor the government had provided sufficient data on the numbers of detainees held and potential overcrowding, so it was unable to conclude the matter. However, the court said it remained concerned about the various aspects of Feilazoo’s allegations that the government had not rebutted, including claims about lack of ventilation, functioning toilets and pests.

The European Court said it was particularly striking that the applicant had been held alone without access to natural light for 77 days, during much of which time he also had no access to exercise. The Court said it was also very concerned by the unrebutted allegations that the applicant had been housed with people in Covid-19 quarantine without a medical reason for doing so. Regarding his claims that he was subjected to arbitrary interference by the state in his right to freedom, as the authorities were trying to secure a passport for him, the court said it did not accept that the entire period of detention had been for deportation. It ruled that the authorities had not acted diligently during the 14-month detention as it did not appear as though they had sufficiently pursued the passport matter with the Nigerian authorities. The Court concluded that the reasons for the applicant’s detention had not remained valid throughout the period, thus finding another violation of his human right to liberty and security.

Ruling on another complaint regarding the protection of applicants from any form of pressure from the authorities to withdraw or modify their complaints, the Court found that the Maltese authorities had failed to ensure that Feilazoo was given the possibility of obtaining copies of documents that he had needed to substantiate his application and that his correspondence concerning the case before the court had not been dealt with confidentially, ruling that this amounted to an unjustified interference with his right. Moreover, the Court also found that his representation by a legal aid lawyer

⁸ See the *Times of Malta* 11 March 2021, available at: <https://timesofmalta.com/articles/view/ex-convict-wins-25000-compensation-after-suffering-degrading-treatment.857407>.

was 'inadequate' because of a lack of regular lawyer-client contact despite the court's requests, as well as the inaction on the part of the authorities to rectify the situation.

On the positive side, Malta did try to do its part to improve some issues. For example, according to Malta's report to the Council of Ministers dated 12 October 2023, several improvements may be observed.⁹ The applicant was held at Safi Detention Centre between 16 May and 23 May 2019 and from 15 September 2019 until 13 November 2020. Since then, the national authorities have implemented various measures to improve detention conditions at Safi Detention Centre, including maintenance and extensive refurbishment works, introduction of a Welfare Officer and bolstering of human resources.

In 2020, the number of personnel in the maintenance section at Safi Detention Centre increased threefold, from 4 to 12. This has allowed the Detention Service (which runs the Safi Detention Centre) to embark on new projects to improve the conditions of the detention facilities while still carrying out ordinary maintenance works. Since the last quarter of 2020, the national authorities have extensively refurbished and upgraded works throughout Safi Detention Centre. All persons residing in Safi Detention Centre today live in refurbished or brand-new compounds, making the accommodation more comfortable, modernised and resistant to vandalism.

As part of the refurbishments in question, all occupied buildings have been furnished with vandal-proof systems to prevent incidents of vandalism, which naturally lead to the interruption of services offered. Thus, electricity and plumbing fittings have been installed out of reach, where possible. Shower heads have also been replaced to make them resistant to vandalism, and all buildings have been repainted with paint that allows graffiti to be wiped away easily. Furthermore, pre-emptive steps are being taken to prevent any unnecessary downtimes in the provision of essential services within the Safi Detention Centre. Thus, whereas the Centre used only electric water heaters in the past, a new heat pump has now been installed, meaning that the electric water heaters are there to serve as a back-up in case of equipment failure. Similarly, electric systems have been designed to ensure the rest of the building is not left without electricity should any circuit trip. Efforts have also been made to improve communication services. At the time of writing (March 2024), international calls with family members are possible in all sections of closed detention centres.

⁹ See [https://hudoc.exec.coe.int/eng#%7B%22excididentifier%22:%7B%22DH-DD\(2023\)1212E%22%7D%7D](https://hudoc.exec.coe.int/eng#%7B%22excididentifier%22:%7B%22DH-DD(2023)1212E%22%7D%7D) (accessed 1 November 2023).

Refurbishment works have greatly improved the living conditions for persons accommodated at Safi Detention Centre. Apart from upgrading these living quarters' security and sanitary facilities, the Detention Service has also replaced the apertures of bedrooms, introduced a day area and improved access to outdoor spaces. Furthermore, in the first quarter of 2021, the Migrant Health Service was also launched within the Detention Service. This, together with the creation of a new clinic, has resulted in a considerable improvement in the healthcare provided to all persons residing in detention centres. The launch of such a service has resulted in a reduction of around 80% in referrals to local health centres and of around 85% to the Accident and Emergency Department at the national hospital. Specialist clinics are also being held in the main clinic. Ophthalmic, infectious disease, dermatology and sexual health specialists are doing in-house clinics, which have enhanced screening and treatment of the persons residing in detention centres. The psychiatric clinic also operates within the Migrant Health Service on alternate days when needed.

The national authorities believe that the refurbishment works have also had, and will continue to have, a positive impact on the sanitary conditions at Safi Detention Centre. In this connection, it should be noted that the Detention Service adopts a system of shared responsibility. Detention officers assist with removing larger items, such as vandalised beds, and with the daily collection of garbage. On the other hand, the residents of the compounds are expected to carry out the day-to-day cleaning. The Detention Service provides all cleaning materials and equipment needed for this purpose. Pest control measures are also implemented in all compounds.

All residents at Safi Detention Centre have access to showers daily to ensure personal hygiene. Body soap is provided to all persons in weekly rations. Furthermore, all persons residing in the detention facilities are offered brand new clothing on admission and provided with more than one set of clothing to allow them to wash their clothes regularly, which may be done within the facility itself; the necessary washing liquid is also provided for this purpose.

In the last quarter of 2020, the national authorities introduced the role of the welfare officer. The welfare officer is subject to an indefinite employment contract with the Public Service. The role of the welfare officer is to maintain close contact with the persons residing in detention centres, to receive and deal with any complaints or issues they may have, and thus to help ensure that all rights and obligations of residents are respected. The welfare officer collaborates closely with the lead doctor to help tackle health issues. He or she also maintains close contact with other entities, such as the Psychosocial Support Team of the Agency for the Welfare of Asylum Seekers, the Health Department and Mental Health Services. He is also the key contact person for NGOs and human rights organisations. The welfare officer also maintains contact with

local migrant communities, such as the Sudanese community, to help assist with issues that may arise in detention.

Combined with the role of the welfare officer, a complaints system was put in place in 2021. Complaint forms and envelopes were disseminated in every compound. Any person wishing to file a complaint may do so by filling out the complaint form, which may be sealed and handed over to the welfare officer for his investigation. The welfare officer is in charge of the complaints mechanism. He or she receives the complaint, conducts an investigation and produces a report on each complaint. The report is then handed over to the Agency's chief executive officer for follow-up and remedial action. Should there be an allegation of ill-treatment, a report is filed with the police for necessary investigation.

13.3.3 *Malta's Lack of Respect for Human Rights – A Second Case*

As if the *Filazoo* case was not a sufficiently good lesson for Malta, the state has once again been declared by the ECtHR to be in breach of the European Convention of Human Rights on similar grounds, involving another teenager in compulsory detention.¹⁰ The case is *A.D. v Malta* App 12427/22, which was decided on 17 October 2023. A 17-year-old Ivorian migrant who spent 225 days in detention in Malta, including a spell of confinement inside a one-windowed container, has been awarded €25,000 in damages by the ECtHR. The minor, born in September 2004, arrived in Malta with an all-male group of boat persons in November 2021 after spending ten days at sea. Twelve fellow migrants, including children, died during the trip. The group was rescued and taken to Hal Far Initial Reception Centre (HIRC), where he was detained in quarantine until cleared by Maltese medical authorities. In the human rights case against Malta, the French-speaking teen claimed that he was not told why he was being detained in a language he could understand. The government subsequently claimed that his detention was in line with standard procedure regarding a 2-week quarantine order. However, the document presented in court in the French and English versions was neither dated nor named and neither referenced nor filled in.

For his first 2 weeks in Malta, the minor was kept at the HIRC and tested negative for Covid-19 three times. He described how he was confined to a block with twenty-three other people, including adult men, with access to only three toilets, two showers and a bucket to wash the floor as well as their clothes. The room he shared with three other

¹⁰ See *Times of Malta*, available at: <https://timesofmalta.com/articles/view/young-migrant-detention-malta-breached-rights-european-court-finds.1061670> (accessed 17 October 2023).

migrants lacked natural light, was very damp and cold, had poor ventilation, and had no access to drinking water besides a tap. The applicant was subsequently targeted by a restriction of movement on public health reasons order. After being diagnosed with tuberculosis, he was treated at Mater Dei Hospital and later moved to Zone 4 of Safi Detention Centre, where he was kept until January 2022 together with other adults in his group. A psycho-social assessment carried out around that time concluded that he was an adult, aged 19.

The teen claimed that at the end of that month, he was transferred to a one-windowed container with a Nigerian man, having no access to the outside but kept all day indoors, with limited light and ventilation. After mid-April, he would be allowed outside in a fenced area for half an hour. Those claims were contested by the government, which countered that early in February 2022, the applicant was moved to a two-bedded unit with another alleged minor, separately from adult asylum seekers. Through all this, the minor had applied for asylum. The minor's claims for international protection were also rejected, and the matter is still pending before the Appeals Tribunal. Nevertheless, his lawyers filed the breach of rights case before the ECtHR, claiming that detention conditions in various immigration centres amounted to inhuman or degrading treatment. The 2-month-long restriction of the movement order also amounted to unlawful and arbitrary detention, and the constitutional proceedings before the Maltese courts did not amount to an effective remedy.

The ECtHR upheld the applicant's claims and declared that detaining migrants 'for health reasons' under the Superintendent for Public Health order was illegal. Confinement of minors raised 'particular issues' since, whether accompanied or not, they were considered 'extremely vulnerable' and presented specific needs concerning age, lack of independence and asylum-seeker status. Reception conditions had to be such as to ensure that they did not cause 'a situation of stress and anxiety, with particularly traumatic consequences'.

The Court observed that the applicant was held at Safi Detention Centre for more than 6 months out of the seven complaints. For the various phases of detention and bearing in mind his age and health situation, the Court observed that the evidence was 'more than sufficient' for it to conclude that in light of the applicant's 'vulnerabilities', accommodation conditions were not adapted to his needs nor the reasons for such detention. While upholding his claims, the Court observed that the

problems detected in the applicant's particular case may subsequently give rise to numerous other well-founded applications which are a threat to the future effectiveness of the system put in place by the Convention.

The Court said its concern was ‘to facilitate the rapid and effective suppression of a defective national system hindering human rights protection’ and noted that ‘general measures at national level are undoubtedly called for in execution of the present judgment’.

Relying on Articles 3 (prohibition of inhuman or degrading treatment), 5 § 1 (right to liberty and security) and 13 (right to an effective remedy) of the Convention, the applicant alleges that his conditions of detention were either inadequate and unlawful or inadequate and arbitrary and that he had no access to an effective remedy. The Court found a violation of Article 3, violation of Article 5 § 1 concerning the period between 10 December 2021 and 10 February 2022, violation of Article 5 § 1 concerning the period between 10 February 2022 until July 2022 and violation of Article 13 in conjunction with Article 3. The Court awarded the applicant €25,000 in non-pecuniary damages and an additional €3,000 to cover costs.

13.4 MALTA, THE EU AND THE WAY FORWARD – CONCLUSION

Although there have been improvements, Malta often falls foul of the ECHR when treating migrants. Such a situation can be contrasted with the country’s economic policy, which seeks an annual increase of around 10,000 people. While there are golden passport schemes for the ultra-rich, though these probably do not reside on the island and have a very minimal impact on the population increase, Malta’s economy between 2015 and 2025 seems based on population growth. From the foregoing, one can conclude that Malta’s policy is now based on convenience and economic wealth rather than humanitarian reasons.

This brings up the argument that for migration to be better coordinated between the competing interests of individual member states, more powers and resources should be shared at the union level. It is useless to blame the EU for doing nothing if the EU as a club lacks the powers to do so. If member states want more coordination and assistance, power must shift towards the supranational integration model. The alternative is that the member states complain that there is little solidarity between them, and the EU institutions remain powerless. Malta’s position may also indicate that, left on its own, the member states will look inward, leaving little to no room for decent collaboration.

Migration cannot be stopped. It has been part of human history since the dawn of civilisation, if not before. Europe’s efforts with its Western partners should address the problem at the source, i.e., help the countries that are the main source of migration. For example, African nations must be stronger, stabler and more affluent to decrease African migration towards Europe. This may help to mitigate but not eliminate migration.

However, a stronger, united Europe with a stronger legal base would certainly be in a better position than the current regime to tackle migration. Malta pretends to be welcoming as it welcomed St Paul two millennia ago. Nothing could be further from the truth. The truth is that most member states facing migration issues behave like Malta. Hence, a united Europe with a stronger legal base to deal with migration may prove to be better for the self-centred member states in the long run.

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