

CALL FOR THE PROVISION OF FREE LEGAL AID SERVICES

TERMS OF REFERENCE

1. Contracting Authority

Ministry for Home Affairs, Security, and Employment (MHSE)

2. Background

Due to its small size, high population density, and strategic geographical location, Malta remains particularly vulnerable to sudden and large-scale arrivals of irregular migrants. Furthermore, notwithstanding the significant decline in irregular arrivals and asylum applications registered in recent years, the International Protection Appeals Tribunal (IPAT) and the Immigration Appeals Board (IAB) continue to handle a substantial volume of asylum and migration appeals, in accordance with the International Protection Act (Chapter 420 of the Laws of Malta) and the Immigration Act (Chapter 217 of the Laws of Malta). In this context, the Government of Malta provides free legal aid to appellants, in line with national and European Union legislation.

3. Scope

The objective is to provide free legal assistance to third-country nationals in accordance with:

- The International Protection Act;
- The Immigration Act;
- The Dublin Regulation (EU) No. 604/2013;
- The Common Standards and Procedures for Returning Illegally Staying Third-Country Nationals Regulations (S.L. 217.12);
- The Reception of Asylum Seekers Regulations (S.L. 420.06).

As from 12 June 2026, new legal provisions under the Pact on Migration and Asylum adopted in 2024 will start to apply. In view of the changes that this will bring about, in certain appeal cases, the legal aid service shall be provided in shorter timeframes. Particular attention is to be provided to the relevant provisions in the Reception Conditions Directive (Recast), the Regulation on Asylum and Migration Management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013 and the Regulation establishing a Common Procedure for International Protection in the Union and repealing Directive 2013/32/EU. Relevant national legislation (Main Legislative Acts and related Subsidiary Legislation above-mentioned) is also currently being amended accordingly.

Appointed legal aid lawyers shall represent appellants before the IPAT, the IAB, or any other board prescribed by law, following assignment by MHSE. Appellants include those:

- With negative asylum or age assessment decisions;
- Whose international protection status has been withdrawn by the International Protection Agency (IPA)
- Subject to detention, a return decision or removal order;
- Facing transfers to other Member States.

Legal aid lawyers shall:

- Collect and review necessary documentation from MHSE, IPA, AWAS, and other relevant entities;
- Meet clients at designated locations, including detention facilities;
- Attend hearings before relevant tribunals/boards;
- Present submissions within legal time limits and deadlines or as instructed by the relevant Board or Tribunal;
- Follow up on assigned cases as required, including for appeal reviews, where applicable.

4. Geographical Coverage

Services shall be rendered at various locations, including MHSE, IPAT, IAB, Detention Centres, IPA, AWAS, and other relevant venues.

5. Specific Activities

5.1 Appeals against a negative asylum decision (IPAT) [to include appeals against a return decision from 12 June 2026]*

- Provide legal assistance for appeals under the International Protection Act;
- Meet appellants at the designated location, where applicable;
- Prepare and present written submissions to the IPAT;
- Attend hearings, as necessary;
- Report outcomes and raise relevant issues with the MHSE.

Fee: €130 (incl. VAT) per case.

*As from 12 June 2026, the International Protection Appeals Tribunal (IPAT) will begin hearing appeals on negative asylum decisions issued by the IPA and return decisions issued in relation to the same individual by the Principal Immigration Officer (PIO) in parallel. Same fee per case i.e. €130 (incl. VAT) will apply.

5.2 Appeals against a decision by the IPA granting another form of protection other than refugee status (IPAT)

- Provide legal assistance for appeals under the International Protection Act;
- Meet appellants at the designated location, where applicable;
- Prepare and present written submissions to the IPAT;
- Attend hearings, as necessary;
- Report outcomes and raise relevant issues with the MHSE.

Fee: €100 (incl. VAT) per case.

5.3 Appeals against a transfer decision (IPAT)

- Provide legal assistance under the Dublin Regulation and/or the Regulation on Asylum and Migration Management;
- Meet appellants at the designated location, where applicable;
- Prepare and present written submissions to the IPAT;
- Attend hearings, as necessary;
- Report outcomes and raise relevant issues with the MHSE.

Fee: €100 (incl. VAT) per case.

5.4 Detention Cases (IAB)

- Provide legal assistance under S.L. 420.06;
- Meet appellants at the designated location, where applicable;

- Prepare and present written submissions following the issuance of detention orders, including in subsequent appeal reviews, as requested by the Board;
- Attend hearings, as necessary.
- Case to be initiated with immediate effect following the issuance of the detention order by the PIO.
- Report outcomes and raise relevant issues with the MHSE.

Fee: €100 (incl. VAT) per case.

5.5 Removal Cases (IAB)

- Provide legal assistance under S.L. 217.12;
- Meet appellants at the designated location, where applicable;
- Prepare and present written submissions following the issuance of removal orders, including in subsequent appeal reviews, as requested by the Board;
- Attend hearings, as necessary;
- Case to be initiated with immediate effect following the issuance of the removal order by the PIO;
- Report outcomes and raise relevant issues with the MHSE.

Fee: €100 (incl. VAT) per case.

5.6 Age Assessment Appeals (IAB)

- Provide legal assistance under Regulation 16(1) of S.L. 420.06;
- Meet appellants at the designated location, where applicable;
- Prepare and present written submission to the IAB;
- Attend hearings, as necessary;
- Report outcomes and raise relevant issues with the MHSE.

Fee: €100 (incl. VAT) per case.

6. Selection Criteria

Applicants must submit a valid legal warrant and CV for eligibility.

7. Award Criteria

All eligible applicants expressing interest within the established deadline will be awarded a contract.

8. Financial Terms

This is a fee-based contract:

Case Type	Fee per case (incl. VAT)
Appeal against a negative asylum decision and a return decision, and including a request for the right to stay, as applicable (IPAT)	€130
Appeals against a decision by the IPA granting another form of protection other than refugee status (IPAT)	€100
Dublin Appeals	€100
Age Assessment	€100*
Detention	€100*
Removal	€100*
General Legal Aid Services	€40

Invoices must be submitted monthly along with signed attendance sheets. No payments are to be requested from appellants.

*including the first appeal and any subsequent review.

9. Contractual Conditions

- Lawyers must attend all training and meetings, as required;
- Requesting payment from appellants will result in immediate termination;
- MHSE reserves the right to reassign cases and transfer case materials as necessary;
- While MHSE strives for fair distribution of cases, appellant access to legal aid remains the top priority; and

Failure to carry out assigned duties with diligence and professionalism, and to constantly maintain a high standard of representation, shall result in the termination of the contract.

10. Contract Execution

The contract will commence upon signature and will be valid for two (2) years, with the possibility of two (2) extensions of six (6) months each.

11. Operational Assumptions

In the event of increased migration flows, legal aid lawyers are expected to manage a higher caseload. Free of charge interpretation services will be provided by the Ministry for Home Affairs, Security and Employment, when necessary.

12. Risks

Appellants may choose private legal representation or withdraw their appeals at any stage.

13. Management Structure

Legal aid lawyers shall coordinate directly with the Migration Directorate at the Office of the Permanent Secretary within the MHSE.

14. Reporting Requirements

- Submissions and other necessary documentation related to the appeal procedure submitted to the IPAT, the IAB, or other relevant Boards/Tribunals;
 - Attendance sheets signed by both lawyer and appellant.
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15. EU Funding Element

This service will be fully funded from the Asylum, Migration and Integration Fund 2021-2027.