An abstract collage artwork featuring various elements. At the top, a red, dome-like shape is painted over a piece of newspaper. Below it, there are more newspaper clippings and a dark, textured area at the bottom. On the left, two vertical strips of paper contain the words 'machines' and 'treated like'. On the right, a large block of text is overlaid on a light background.

Forced to Hide: **THE HUMAN COST OF LEGAL PRECARITY AND LABOUR EXPLOITATION IN MALTA**

machines
treated like

JRS is an international non-governmental organisation, with a mission to accompany, serve and defend refugees and forcibly displaced people. In Malta, JRS provides a number of services including information, legal assistance and psychosocial support and advocates for improved treatment of refugees and asylum seekers in Malta.

The views expressed in this publication are those of JRS Malta, and do not necessarily represent the opinion or position of the project funder, whose contribution is acknowledged with gratitude, as it would not have been possible to implement this project without their support.

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Forced to Hide: THE HUMAN COST OF LEGAL PRECARITY AND LABOUR EXPLOITATION IN MALTA

INTRODUCTION

This report looks at the employment situation of migrants in a precarious legal situation, outlining barriers and challenges they face when trying to navigate the labour market and, more broadly, integration in Malta.

The research for this report was conducted as part of a project, entitled **'Forced to hide: Understanding the human cost of the shadow economy on the lives of vulnerable migrant workers in Malta'**, implemented by the Jesuit Refugee Service (JRS) Malta. It was supported by the Platform for International Cooperation on Undocumented Migrants (PICUM) and the Robert Bosch Stiftung's grant programme on labour rights and labour migration, through a call entitled 'Strengthening Labour Rights and Labour Migration for Vulnerable Migrant Workers'.

The project provided the opportunity to gather lived experiences of people living in Malta with precarious or insecure legal status or who are completely undocumented. The data on which this report is based was collected through individual interviews as well as through our outreach work among migrants in the community, primarily in the localities of Amrun and Marsa. This initiative was one of the first in Malta to gather such experiences, particularly in the current migration context, that is increasingly punitive, especially for this group of people.

Alongside this research, the project included an advocacy component, aiming to bring together individuals and their stories with stakeholders and policymakers, in an effort to highlight the many and serious issues they face and to humanise the impact of state policy and practice.

The research brought to light a number of different barriers faced by undocumented

migrants and others in a precarious legal situation when navigating employment issues and other challenges. These include practical obstacles such as language and communication barriers, and difficulties looking for and finding work. In this context, the importance of personal and informal networks of support was highlighted, especially when access to mainstream support services is restricted due to lack of documentation. The report looks at how legal precarity among migrants and asylum seekers has increased due to the introduction of ever more restrictive government policies, and how this has exacerbated their vulnerability to exploitation and abuse at the hands of employment agencies and employers. Interviewees' experiences of discrimination and mistreatment at work are outlined alongside other experiences of exploitation that ranged in severity. The report underscores undocumented people's constant fear of losing their job and the psychological impact of their legal status. It also shows how, in the absence of viable alternatives, people are often forced to accept illegalities and mistreatment, due to the need to survive in the face of the rising cost of living and increasing poverty. Many of these findings were supported by employers, NGOs and other stakeholders, who also highlighted systemic and bureaucratic hurdles.

This research was undertaken to document the experiences of undocumented migrants, and those with precarious or insecure legal status, and to raise awareness of their day-to-day realities and of the consequences they suffer when they are unable to access existing pathways to regular and stable work. It is our hope that this report and the other publications produced through this project will serve as a basis for further advocacy for improved working conditions and more effective protection for this category of migrants.

KEY CONCEPTS AND TERMINOLOGY USED IN THIS REPORT:

This report focuses on **undocumented people**, and those with **insecure or precarious legal status**.

For the purposes of this report, the term **undocumented people** or **undocumented migrants** is used to refer to people who have not been granted/are not in possession of authorisation to enter, work or live in Malta. Some may have previously had a residence permit or other permission to stay which has since expired or been revoked, while others never had one.

Whereas the term **undocumented migrants** refers to people who migrated to Malta at some point in their life, the term **undocumented people** is broader in scope and recognises the fact that some people who never migrated, e.g. children who are born to undocumented parents, could also be undocumented.

Asylum seekers whose application for protection has been finally rejected by the competent authorities, also referred to as **rejected asylum seekers**, would be considered undocumented, even if they are in possession of an immigration certificate issued by the Central Immigration Office.

An **immigration certificate**, also known as the **yellow book**, may be issued to migrants following release from detention, even if they do not have a legal right to stay. This document contains a photograph, personal details and a record of any extensions of stay granted by the immigration police. It is not valid for travel, nor does it constitute a formal means of identification.

The term **tolerated stay** is used to refer to the situation of migrants whose presence and stay in Malta is acknowledged by the immigration authorities, although they have no formal legal right to stay and are therefore still subject to removal, should this become possible. It is not a formal status established by law, but rather an administrative response to the reality that some migrants against whom a Removal Order has been issued cannot be returned to their country immediately due to logistical difficulties or other legal or practical obstacles. Notwithstanding the fact that they are granted some form of documentation and, in many cases, the possibility to work legally on a temporary basis, this category of migrants would be considered **de facto undocumented**.

The term **migrants with insecure or precarious legal status** refers to people who do have permission stay/live and/or work in Malta, however this right is temporary or otherwise precarious, uncertain or discretionary.

This category of migrants includes asylum seekers at first instance and at appeal stage of the asylum proceedings, who have a right to stay in Malta until their application is decided, however this right is temporary and their access to the labour market is limited and, in some cases, denied. The term **asylum seeker** refers to a third country national or stateless person who has made an application for international protection in respect of which a final decision has not yet been taken by the competent national authorities.

The report also makes reference to **different forms of legal residence status in Malta** including:

Refugee status, which is the status given to a person who has been recognised as a refugee. According to the 1951 Convention and Maltese law, a refugee is a person who, owing to a well founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside his country of origin and is unable or, owing to such fear is unwilling, to return to it.

Subsidiary protection, which is a form of international protection given to those whose application for refugee status has been dismissed but who, it has been shown, will face a real risk of serious harm if returned to their country of origin. ‘Serious harm’ is defined by law as: death penalty or execution; torture or inhuman and degrading treatment or punishment; threats to life by indiscriminate violence in international or internal armed conflicts.

Temporary Humanitarian Protection (THP), which is a form of national protection granted in terms of the International Protection Act (Chapter 420 of the Laws of Malta). THP is granted to asylum seekers whose application for international protection has been rejected, in cases where the applicant is a minor; where the applicant should not be returned to his country of origin on medical grounds; where the applicant should not be returned to his country of origin on other humanitarian grounds.

Temporary protection, an EU-wide form of protection regulated by the Temporary Protection Directive, which is meant to provide immediate and temporary protection in the event of a mass influx or imminent mass influx of displaced persons from non-EU countries, who are unable to return to their country of origin. Temporary protection applies when the Council, on a proposal from the Commission, determines that a mass influx is occurring, especially if it risks overwhelming the standard asylum system due to the arrival of displaced people, potentially disrupting its operation.

The Temporary Protection Directive was triggered for the first time by the Council in response to the unprecedented Russian invasion of Ukraine on 24 February 2022, to offer quick and effective assistance to people fleeing the war in Ukraine.

The **single permit**, which is regulated by Subsidiary Legislation 217.17, is a permit which authorises third country nationals to legally reside and take up employment in Malta for a defined period of over 6 months which may be further renewed. The single application procedure incorporates an employment license and residence permit.

A **rejected asylum seeker** is a third country national or stateless person whose application

for international protection has been examined and rejected by a final decision of the competent authorities.

Between 2018 and 2020, rejected asylum seekers who have been residing in Malta for at least 5 years and who arrived prior to 2016, could be granted **Specific Residence Authorisation (SRA)**, if they fulfilled a number of criteria related to employment, conduct and integration efforts. SRA holders are entitled to a two-year residence permit, an employment license, access to State education and medical care, and access to core welfare benefits in the same manner as beneficiaries of subsidiary protection. New applications for SRA status were only accepted until 31st December 2020 and so far, no similar regularisation scheme has been made available for rejected asylum seekers.

Regularisation refers to any process or procedure through which someone can obtain a residence status from a relevant government authority authorising – ‘regularising’ – their stay in the country they reside in. The person applies for these procedures from inside the country, including when residing irregularly. The term also refers to the moment that an undocumented person obtains a residence status in Malta.¹

METHODOLOGY

The methodology employed for this research was a series of semi-structured interviews with individuals with precarious legal status. Interviewees were recruited through JRS staff members working closely with individuals. Additionally, the researchers went to two classes

organised by Blue Door Education, to try to recruit participants outside of the in-depth client base of JRS. This means in practical terms that 9 interviews took place (and one withdrawal), with the following characteristics (all names given are pseudonyms):

Interview Code	Name	Age bracket	Gender	Country of Origin	Legal status at time of interview
A	Mehdi	35-44	Male	Morocco	Temporary Humanitarian Protection (THP) Has spent time undocumented
B	Carlos	45-54	Male	Venezuela	Single Work Permit Spent time as asylum seeker and rejected asylum seeker with Yellow Book
C	Juliana	55-64	Female	Brazil	THP Has spent time undocumented
D	Mory	25-34	Male	Guinea	Asylum Seeker (appealing first rejection)

1 [Regularisation and access to a secure residence status - PICUM](#)

3	Fayez	45-54	Male	Syria	Subsidiary Protection
F	Alhaji	18-24	Male	Sierra Leone	Asylum Seeker (appealing first rejection)
G	Ousmane	25-34	Male	Chad	THP
H	Seydou	25-34	Male	Ivory Coast	Rejected asylum seeker with Yellow Book
I	Ahmed	35-44	Male	Egypt	Undocumented
J	Oleksandr <i>(withdrew from research)</i>	55-64	Male	Ukraine	Temporary Protection

Focus groups and meetings were also held with NGOs working in the field of migration or offering their services to migrants, trade unions, government stakeholders and employers. Desk research was also conducted to review the work already carried out on this topic and to assess where the gaps in research lie.

The research also draws on the observations

The details of the focus groups and meetings were the following:

<i>Date</i>	<i>Target Group</i>	<i>List of participating organisations</i>
15th October 202	NGOs	Blue Door Education aditus Foundation YMCA Malta Migrants’ Commission Dar Merhba Bik JRS Malta
22nd October 2024	Trade Unions	General Workers Union General Workers Union (Youths) UHM (Voice of the Workers) Solidarjetà
19th February 2025	Stakeholders	Jobsplus Occupational Health and Safety Authority (OSHA)
10th March 2025	Employers	2 from bar and restaurant industry 1 activist working for the rights of TCNs on Single Work Permits.
26th March 2025	Employers	Import / Export company

Additionally, we endeavoured to set up a focus group with employers’ associations, but did not receive adequate responses and we were unable to schedule it. We also invited them to the focus group with stakeholders, but none took up the

and experiences gathered from the JRS Malta’s outreach in the community. Several migrants who would not have felt comfortable sharing their experiences in a structured research interview taking place at an office shared their challenges with our outreach team informally. In many cases, this included experiences shared by people who are fully undocumented, who for many reasons, are afraid to highlight their legal status.

invitation. We attempted several times to set up bigger focus groups with employers but instead opted for smaller meetings with the limited number who wanted to engage with us.

CHALLENGES AND LIMITATIONS TO THE RESEARCH

There were a number of challenges throughout the course of the research process. Recruiting migrant participants is a challenge given the sensitive nature of the research project. There are many fears associated with sharing one’s experience, particularly when in a precarious legal situation, and even more so when undocumented. Furthermore, as the findings of the research show, there is a significant amount of fear of losing one’s job and having to face the challenge of finding alternative employment, fears which are exacerbated when undocumented and without the legal right to work. Despite ensuring anonymity, some people were reluctant to share their experiences, with one person withdrawing from the research.

One of the limitations of this research was that most of the participants recruited were in-depth clients of JRS. Whilst this did have advantages as there was a relationship of trust with these individuals who felt more comfortable to share their experiences with us, it somewhat limited the research. We also have to acknowledge our positionality in this regard, as these interviews were not done by external researchers but by JRS staff members, who were known by some of the interviewees in other contexts and as service providers. We aimed to mitigate this limitation by collaborating with Blue Door Education,² but there were challenges given the lower level of English and/or Maltese and interested participants not understanding the purpose of the research. However, two participants were recruited through this method, who were not clients of JRS.

A further challenge relates to the issue of interview and participation fatigue amongst members of migrant communities. Whilst research serves an important purpose for advocacy, from the perspective of migrants themselves, they see very little positive policy change and so sometimes question the usefulness of participating in such activities. This will continue to be a challenge, but the responsibility falls on researchers and civil society to disseminate the results and findings of the work and continue to include migrants in the wider conversation with stakeholders and policymakers.

² Blue Door Education is an NGO in Malta providing English and other types of classes to asylum seekers and beneficiaries of protection in Malta.

Additionally, there were challenges in bringing stakeholders into the conversation. The aim was to collect a broad range of perspectives beyond the migrants’ experiences to collate a broader range of barriers and challenges as well as the experiences of those working directly with migrants. NGOs and civil society were very willing to engage on this topic, but challenges arose with the other groups for engagement. We managed to bring together a group of trade unions, though most of them had limited experience with migrant membership. For the other stakeholders, the aim was to bring together a varied group of government stakeholders working in different areas of employment, policymakers and employers’ associations, but there was very little response and engagement, leading to just two government stakeholders engaging in the process.

With regard to employers, we reached out to large companies in Malta, with limited success. This in itself is a limitation as we may not have been reaching as many different businesses for a variety of perspectives. We also approached employers we had worked with in the past or that are actively employing in-depth clients at present, which was more of a successful strategy, due to an already established relationship.

Despite these limitations and challenges mentioned, the research process managed to collect a range of shared and diverse perspectives of people with different migration statuses and experiences of the labour market and other barriers and challenges faced in Malta by people in a precarious legal situation. Stakeholder engagement, including with employers, has also offered alternative perspectives on this topic.

MIGRATION AND EMPLOYMENT CONTEXT

In order to introduce the findings and experiences of those in a precarious legal situation, the migration context in Malta needs to be explained, to give context to the lived experiences of people and the barriers and challenges shared by stakeholders and employers. The different legal statuses of working migrants will also be outlined, to understand different rights and obligations and the varying degrees of precarity. Employment context is also important, alongside the wider policy context of labour migration in Malta.

There are two strands of migration to Malta for third country nationals (TCNs) which are relevant to this report – the legal, regular route whereby people apply for a Single Work Permit to work and reside in Malta, and the “asylum” route, through which TCNs arriving in Malta seek to obtain international or national protection. Many asylum seekers have no access to legal pathways and undertake long and dangerous journeys from home to eventually cross the Mediterranean in search of safety. There are also other legal migration routes to Malta, including those which involve significant investment³, however, given that the legal precarity of these routes is not pronounced, they fall outside the scope of this research.

Of the two strands identified as particularly relevant to this research, the legal or ‘regular’ route clearly offers more protection from precarity than the asylum route, at least when things go according to plan. However, owing to certain inherent weaknesses in the single permit framework, TCNs in Malta with a single permit could easily lose their permission to stay.

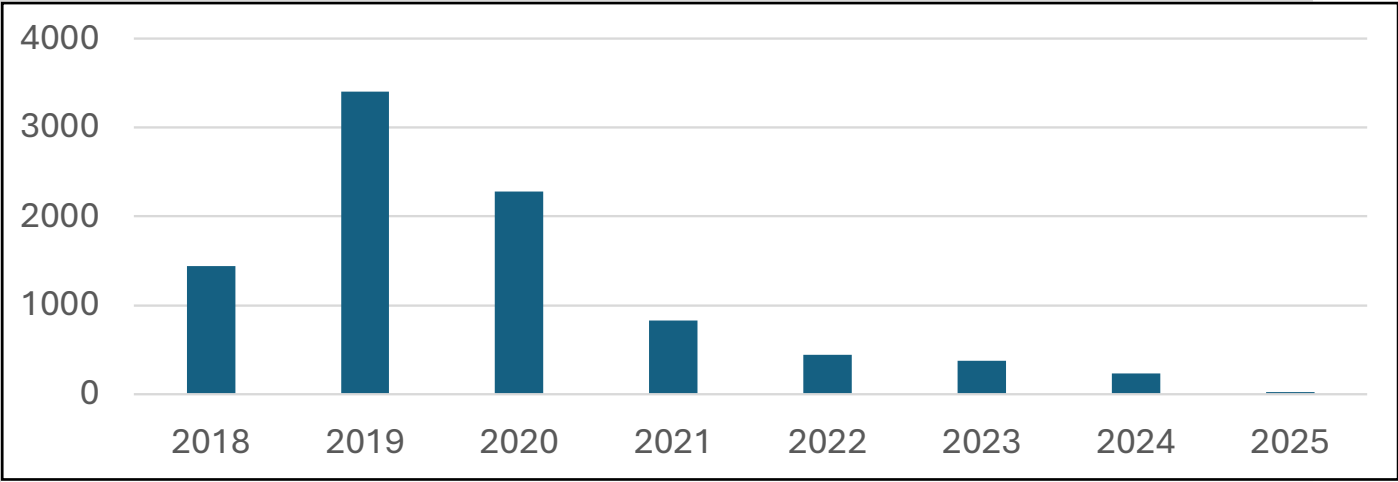
One major shortcoming is the fact that the permit is linked to a particular employer, which, coupled with the restrictive time limits for changing job or finding a new job in case of termination, creates a real risk of ending up without permission to stay for TCNs who leave or lose their job. In terms

of the possibility of changing job, at present, those on a Single Work Permit have just 10 days to change their employment (along with all necessary paperwork). The government is now proposing to increase the time limit to submit a new single permit application from 10 days to 30 (with possible extension to 60 days if the person has sufficient financial resources).⁴ This increase, though welcome, is still not fully in line with the recast Single Work Permit Directive, which provides that the person should get 3 months (although within the validity of their existing permit), or 6 months if they have held a single permit for 2 years. Additionally, in terms of the Directive, governments can only ask for proof of financial resources for periods of unemployment longer than 3 months.⁵

Another shortcoming related to the appeals procedure as, although there is the possibility to appeal a decision to reject or to refuse to renew a single permit application, applicants can be stuck in the procedure for many months without access to the labour market. Moreover, if an appeal is rejected, TCNs can be subject to detention pending removal back to their country of origin.

Given the number of TCNs currently in Malta with a single permit, who represent approximately 20% of Malta’s working age population according to a recent report on the economic contribution of TCNs⁶, these structural deficiencies in the single permit framework have the potential to expose hundreds, if not thousands, of people to the risk of precarity.

The situation of asylum seekers is even more challenging, notwithstanding the fact that number of asylum seekers has declined significantly in recent years. Although, as was highlighted earlier, asylum seekers arrived in Malta through different routes, in recent memory most asylum seekers arrived in Malta irregularly by boat from Libya, having travelled through the Central



Source: UNHCR Malta⁷

Mediterranean Route (CMR). Starting in 2020, the number of arrivals has been steadily declining over the years. Numbers reached a peak in 2019 when boat arrivals reached 3406 and fell to just 27 arrivals, at the time of writing, in 2025.

The countries of origin have also changed over the years, from the top 3 nationalities of asylum seekers in 2019 being Sudan, Eritrea and Nigeria, to the majority of asylum seekers arriving by sea in 2024 and 2025 being from Bangladesh,⁸ a country designated as safe by the Maltese government.⁹ The decline in arrival numbers is important to note, as it is not due to people not fleeing from their countries or not using the CMR to reach a place of safety. For example, compared to the 27 arrivals to Malta (as of 20th May 2025), the same number for Italy stands at 20,378, showing people are still crossing the Central Mediterranean.¹⁰

Although it is difficult to obtain numbers of different categories of migrants living in Malta, statistics of people brought into Malta to fill labour market gaps through the Single Permit procedure are available. A total of 33,455 first-time residence permits were issued to third-country nationals (TCNs) in 2024, Home Affairs Minister Byron Camilleri stated in Parliament in early 2025.¹¹ Here we see the disparities in

numbers between asylum seekers and irregular arrivals and the numbers of Single Work Permits, though government policy, practice and rhetoric has focused on irregular migration extensively over the past few years.¹²

One policy which cropped up repeatedly in the interviews with participants is the policy of automatic detention for asylum seekers arriving by sea.¹³ This “criminalisation” forms part of most asylum seeker’s stories in Malta, as will be seen in the research findings, and clearly has an impact on their lives which goes way beyond the time they spend in detention.

Another factor which contributes to legal precarity in the case of asylum seekers is the length of time that it takes for most asylum applications to be decided – two to three years at least in most cases. The only exception are applications from asylum seekers from safe countries, which are prioritised and channelled to the accelerated procedure, and most, if not all, such applications are rejected. In 2023, 149 applications were rejected as manifestly unfounded based on safe country of origin and channelled to the accelerated procedure.¹⁴

While their application is pending, asylum seekers have only very limited access to financial support. Asylum seekers whose case is being examined in the normal procedure have access to the labour

3 Patricia Casaburi, “Malta Residency by Investment: The Ultimate Guide 2025”, *Global Citizen Solutions*, 7 May 2025, <https://www.globalcitizensolutions.com/malta-residency-by-investment/>

4 Ministry for Home Affairs, Security and Employment, “Malta Labour Migration Policy”, January 2025, <https://www.gov.mt/en/public-consultation/PCU%20Documents/2025/NL-0001-2025/Migration%20Policy%20Document.pdf>

5 Directive (EU) 2024/1233 of the European Parliament and of the Council of 24 April 2024 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (recast), 24 April 2024, <https://eur-lex.europa.eu/eli/dir/2024/1233/oj/eng#:~:text=Directive%20%28EU%29%202024%2F1233%20of%20the%20European%20Parliament%20and,workers%20legally%20residing%20in%20a%20Member%20State%20%28recast%29>

6 Justice and Peace Commission, “Beyond GDP II Third Country Nationals in Malta: Sharing in our economic future or serving labour market interests?”, December 2024, <https://jp.church.mt/beyond-gdp/>

7 UNHCR Malta, “Figures at a Glance”, <https://www.unhcr.org/mt/figures-at-a-glance>

8 UNHCR Malta, “Figures at a Glance”, <https://www.unhcr.org/mt/figures-at-a-glance>

9 The list of safe countries can be found at: Schedule (Article 24) of the International Protection Act, Chapter 420 of the Laws of Malta. Available at: <https://legislation.mt/eli/cap/420/eng>

10 Operational Data Portal, “Europe Sea Arrivals”, https://data.unhcr.org/en/situations/europe-sea-arrivals?_gl=1*1rqukjy*_gcl_au*ND-k0MjA1MDA5LjE3NDIyMTM2MTI.*_rup_ga*MTUzODMwNzAxMi4xNjk2MjUzNjYw*_rup_ga_EVDQJTJ4LjYw*_czE3NDc3MzIxNDUkb-zQ0JGcxJHJHxNzQ3NzM5NDIwJGo2MCRsMCRoMCRkYjdsN0FEYXhhd2I4YzhHTFF2SzhhMWV2UEdhZ1hFYXBsUQ..*_ga*MTQ2NzA-wOTk1Ni4xNjMzNDIxMjky*_ga_4DX4VvX321*_czE3NDc3MzIxNDUkbzM0JGcxJHJHxNzQ3NzM5NDIwJGo2MCRsMCRoMCRka0k0cT-lyU2czMFc1RfoweVZrN2JBbXFXtNpkVjZmb1R5UQ

11 Malta Independent, “33,455 first time residence permits were issued to TCNs in 2024”, 4 February 2024, [33,455 first time residence permits were issued to TCNs in 2024 - The Malta Independent](https://www.maltaindependent.com/news/national/33455-first-time-residence-permits-were-issued-to-tcns-in-2024-the-malta-independent)

12 See for example: Kurt Sansone, “Malta will place convention reform on Council of Europe agenda, Abela tells migration meeting”, *Malta Today*, 20 March 2025, <https://www.maltatoday.com.mt/news/national/134153/malta-will-place-convention-reform-on-council-of-europe-agenda-abela-tells-migration-meeting>

13 aditus Foundation, “Asylum Information Database (AIDA): Country report Malta”, September 2024., <https://asylumineurope.org/reports/country/malta/>, p. 20.

14 Aditus Foundation, “Asylum Information Database (AIDA): Country report Malta”, September 2024, p. 97.



Photo by DOI posted by Home Affairs Minister showing raids which took place in Marsa.

market as described below, however, asylum seekers whose case has been channelled to the accelerated procedure would only have access to the labour market nine months after they lodge their application, which in practice, given the speed of rejections for people from safe countries, means that they in fact never have legal access to the labour market.¹⁵ In cases where they are not detained this prohibition on access to the labour market is hugely problematic.

Another important consideration when examining issues of documentation and lack of

status is the declining protection rates for those seeking asylum in Malta. The rate of protection (people being granted refugee status, Subsidiary Protection, Temporary Humanitarian Protection) hit an all-time low in Malta in 2022, with just 6% of applications granted protection in Malta. A slight increase can be observed in 2023, at 15%, and a rate of 9% in 2024.¹⁶ These figures do not include the Temporary Protection status, for persons displaced from Ukraine on or after 24 February 2022.¹⁷ At the end of 2023, it was reported that 1,963 persons were beneficiaries of Temporary Protection in Malta.¹⁸

An overview of statuses and rights pertaining to employment is detailed below:

Legal status	Legal access to labour market granted?	Documentation granted
TCN (Single Work Permit)	Yes – work permit in name of employer. Employment a condition of legal residence	Residence permit
Refugee Status	Yes – work permit in own name	Protection certificate and residence permit
Subsidiary Protection	Yes – work permit in own name	Protection certificate and residence permit
Temporary Humanitarian Protection (THP)	Yes – work permit in own name	Protection certificate and residence permit
Temporary Protection	Yes – work permit in own name	Protection certificate and residence permit

15 Aditus Foundation, “Asylum Information Database (AIDA): Country report Malta”, September 2024, p. 95.
16 Figures collated from: UNHCR Malta, “Figures at a Glance”, <https://www.unhcr.org/mt/figures-at-a-glance>
17 Malta Refugee Council, “Ukraine info: Temporary Protection Directive for Ukrainians in Malta”, 17 March 2022, <https://malta-refugee-council.org.mt/Ukraine-Info-Temporary-Protection-Directive-for-Ukrainians-in-Malta>
18 National Statistics Office (NSO), “World Refugee Day – 20 June 2024”, 19 June 2024, <https://nso.gov.mt/population/world-refugee-day-20-june-2024/#:~:text=At%20the%20end%20of%20December,aged%20between%200%20and%2017>

Asylum Seeker	Yes – work permit in the name of the employer for specific job	Asylum Seeker Document
Appealing asylum seeker	Yes - work permit in the name of the employer for specific job	Asylum Seeker Appeals Document
Rejected asylum seeker	Sometimes – if in possession of valid yellow book. Work permit in the name of the employer	Sometimes, a yellow book (tolerated stay document).
Undocumented person	No	None

Although rejected asylum seekers are granted a permit to work legally provided they are in possession of a “yellow book”, this permit does not grant the holder the right to stay in Malta even for the duration of the employment licence. The document represents a ‘tolerated stay’ pending removal which is issued at the discretion of the Police, and can be removed once removal becomes possible. As was highlighted earlier, yellow book holders are considered *de facto* undocumented, due to its precarious nature. Its distribution appears to be very ad hoc, often with those coming from “safe countries” (a list designated in Maltese law) not being issued a yellow book and remaining undocumented.

Rejected asylum seekers from safe countries do not have the right to work. If the Government is unable to return them to their country of origin, they often remain undocumented and remain at risk of detention and removal. In many cases, people from some “safe countries” never leave detention. After their asylum claim is rejected, they are issued with a removal order, followed by deportation. Even if they are released from detention they will not have legal access to the labour market, leaving them at the mercy of the shadow economy and vulnerable to exploitation, as they need to work to meet their needs.

In terms of a pathway to regularise undocumented rejected asylum seekers, in 2018, the Maltese government introduced Specific Residence Authorisation (SRA). As was explained earlier, this was a pathway for rejected asylum seekers who had been living and working regularly in Malta for 5 years, with a number of conditionality criteria, foremost among being the payment of a set number of contributions over the five

years preceding the application.¹⁹ It was created following a campaign from civil society and other actors calling for regularisation after a previous regularisation pathway, THP-N, was removed in 2016.²⁰

In 2020, the government decided no new applications would be accepted for this status, though the possibility to renew – with further tightened criteria – remains.²¹ What has been observed since the changes to the SRA policy is an increase in people who become unemployed for a variety of reasons, including a deterioration in their mental or physical health. For this reason, they could not work and were therefore unable to pay the required number of contributions in order to be eligible to renew the status. In this situation, the only possibility to obtain documentation for a rejected asylum seeker is THP (which can be applied for after a rejection). In order to do so, the individual needs to prove they cannot be returned to their country of origin due to terminal or chronic conditions or for other humanitarian reasons.²² It is a status that is difficult to obtain, does not provide a substantial amount of rights, and ultimately is not an option for the majority of rejected asylum seekers.

A final piece of relevant information on the migration context relating to undocumented people and those without a legal right to stay in Malta, is the increase in public raids taking place in the past couple of years to round up people with a view to return them.²³ These raids have generally taken place in areas where migrant populations are known to be higher (such as Marsa, Hamrun, Bugibba, etc) and have included raids and searches of workplaces and on public transport. They have led to a climate of fear

19 European Website on Integration, “Policy regarding Specific Residence Authorisation”, 15 November 2018. Available at: <https://mi-grant-integration.ec.europa.eu/sites/default/files/2018-11/SRAPolicyDocumentNov2018.pdf>
20 Miriam Dalli, “Human rights NGOs warn THP-n removal will render hundreds ‘destitute’”, *Malta Today*, 19 November 2016, https://www.maltatoday.com.mt/news/national/71768/human_rights_ngos_warn_thpn_removal_will_render_hundreds_destitute
21 Ministry for Home Affairs, Security and Employment, “Policy regarding Specific Residence Authorisation Updated policy October 2020”. Available at: <https://identita.gov.mt/wp-content/uploads/2023/10/SRA-Updated-Policy-Nov2020.pdf>
22 International Protection Act, Article 17.
23 See for example: Times of Malta, “60 detained for living, working in Malta illegally”, 1 July 2024, <https://timesofmalta.com/article/60-detained-living-working-malta-illegally.1094721#:~:text=The%20police%20have%20detained%2060%20persons%20for%20living,a%20number%20of%20raids%20over%20the%20past%20days>.

amongst migrant communities, and it has also led to people being afraid to go to renew their yellow books with the Immigration Police for fear of being detained and removed from Malta, a finding shared by many interviewees for this research.

RESEARCH FINDINGS

PRACTICAL CHALLENGES FOR UNDOCUMENTED AND DE FACTO UNDOCUMENTED PEOPLE

There were a number of different practical challenges that were reported during interviews with migrants and focus groups with stakeholders. These challenges ranged from the struggle to find work for some people, and the need to rely on agencies that can sometimes be exploitative, to issues of language and communication barriers.

LOOKING FOR WORK

Many interviewees spoke about the challenges and opportunities associated with finding work.

One interviewee, who was still a minor when he started looking for work, talked of significant challenges in this regard. After he was freed from detention, he was moved to a government residence for unaccompanied minors, Dar il-Liedna, where he was provided with more support. He was supported to make a CV, and he gave them out everywhere, but he did not find work at any point by doing this directly, even though this is what he had been advised to do. He then applied with an agency, which he found on his own. Everything is taken care of by the agency, including applying for all the different tax numbers and permits that you need, as though they are the employer directly. All the jobs he has done in Malta have been through the same agency.²⁴

After many different jobs, he is currently working in one that he likes, still employed through the agency, but the company would like to hire him directly. This would be better for him, as currently the agency takes some of the pay, and he is skilled and experienced working there. He acknowledged that many asylum seekers must find work through agencies, and whilst in general, the agency has been good to him, many people do not have the

24 Interview F.
25 Interview F.
26 Interview with representative of Alf Mizzi & Sons Marketing, 26 March 2025.
27 Interview G.
28 Interview H; Interview G.

This migration and employment policy background provides important context for the findings that emerged from interviews and focus groups and help to paint a picture of how challenging the lives of people in a precarious legal situation can be.

same experience. Employers often prefer to find people through agencies because there are a lot of requirements and obligations when it comes to the paperwork and the work permit process. He also acknowledges that maybe the process of finding work was also made even more difficult for him due to the COVID-19 pandemic.²⁵

An employer who was interviewed also spoke about the impact of employment agencies, stating that they prefer to recruit directly so as not to take a cut of the employee’s pay. She also spoke about a sense of belonging that the company has worked hard on, something that she feels would be impeded by bringing in people who work for agencies.²⁶

Many interviewees made a distinction between full-time and stable employment and part-time casual jobs.

One told us that in summer it is not difficult to find work in Malta, as there are a lot of short-term casual jobs available, though these jobs are not usually registered with the authorities, and workers are paid cash in hand, without a work permit.²⁷ As some of our interviewees were also full-time students at the time of the research, they spoke of extensive difficulties finding part-time jobs that can fit alongside their studies, that will also complete all the necessary paperwork for an asylum seeker or a rejected asylum seeker.²⁸ This indicates that some employers rely on student labour to avoid having to complete necessary paperwork as they know the difficulty for them to find work that fits with their study hours.

Interviewees spoke further about looking for casual work. One told us that he would wake up

really early to wait at the Marsa roundabout to be picked up for work. This long-standing practice, sees migrant workers standing at designated roundabouts waiting to be picked up for a day (or more) of casual labour. Despite efforts from Jobsplus and other government bodies to regulate and discourage this practice, the situation continues, with the difference that the location moved from Marsa to al Far. This interviewee noted that people know this is not a way to find regular and stable work, but that when you need money and to find something temporarily, it is an easy way to find work.²⁹ Another interviewee noted that many Maltese employers have very little idea about documents and the obligations for migrant workers that they tell people straight away that they cannot hire them, to avoid the hassle.³⁰

One interview participant spoke about the difficulties of finding work when you’re new in Malta. He had a very low level of English in the beginning which meant that he did not have a lot of options in terms of work. He worked in what he referred to as “dirty jobs”, doing manual labour in the construction industry, and he said that sometimes he didn’t even know what the job was.³¹ Another interviewee also confirmed that not knowing Maltese or English made finding work more difficult, and additionally for them, being illiterate added another significant challenge, making them considerably more vulnerable to exploitation.³²

NGOs also highlighted the difficulty in finding work, and not knowing where to start, especially when people are first released from detention without any information.³³

COMMUNICATION AND LANGUAGE BARRIERS

Stakeholders also expressed concerns about communication and language barriers at the workplace, with one stating that these barriers can become an issue of health and safety, particularly if a person doesn’t understand.³⁴ Employers that were interviewed also highlighted that language barriers can often be a challenge in the workplace but one company has tried to mitigate this by introducing a Maltese language class, funded by the company,

29 Interview G.
30 Interview I.
31 Interview H.
32 Interview C.
33 Focus group with NGOs, 15 October 2024.
34 Focus group with stakeholders, 19 February 2025.
35 Interview with representative of Alf Mizzi & Sons Marketing, 26 March 2025.
36 Focus group with Trade Unions, 22 October 2024.
37 Interview with representative of Alf Mizzi & Sons Marketing, 26 March 2025.

which received a high intake of employees. The same employer mentioned that they have also organised workshops for their TCN workforce to see if there are ways that they can become more culturally sensitive, with for example, asking what they need to support them during Ramadan.³⁵ This kind of investment, financial and otherwise, shows an effort from employers in addressing challenges that they face and a willingness from employees to integrate further into the workplace and society, whilst being supported by their employer, which can go some way to address these barriers.

CULTURAL AND SOCIAL BARRIERS

Trade unions also mentioned cultural barriers as something which hinders the engagement of migrant workers with unions. Focus group representatives stated that people from some countries associate unions with the government and corrupt institutions as well as feeling that unions represent employers more than workers themselves.³⁶ This represents a different kind of barrier, especially in support available (whether perceived or actual) to those being exploited or who are not being able to access their rights.

An additional practical challenge that was highlighted by an employer was the challenge of managing vacation and sick leave. This is something that will be highlighted from the employee and worker’s perspective with regard to accessing this right and in relation to exploitation, but it was also highlighted as a practical challenge for employers. The issue arises particularly with TCN workers who have the right to travel and wish to go back and visit their families for several weeks at a time, which was acknowledged to be understandable given the distances to most of their countries. However, this was causing tension with local employees who could not take leave due to staffing shortages. It also led in some cases, to workers using their sick leave which is illegal. The employer stated that there are now limits in place, as well as extensive training, and teams are expected to liaise with one another regarding time off, in order to have a system that’s fairer for everyone.³⁷

ACCESS TO SERVICES TO FACILITATE EMPLOYMENT

Another practical challenge that was shared by Jobsplus is the issue of migrant women who struggle to access childcare, as well as having to find jobs where they can work around school hours. The government's Free Childcare scheme is available to anyone who is working,³⁸ but in reality, an employer must apply for the work permit straight away and the permit be granted very quickly (difficult when subject to delays and checks with different entities), in order for a person to start working and be able to avail themselves of childcare services. The Jobsplus representative stated that this often means women end up working very irregularly, in casual cleaning jobs for example: "this makes them very vulnerable to exploitation."³⁹

This is just one example of services which may be granted on paper but in reality, the situation is different. While certain employment-related services guaranteed in theory, (such as childcare or healthcare), the reality is many of these services are inaccessible for those in a more precarious legal situation, due to difficulty finding

IMPORTANCE OF PERSONAL AND INFORMAL NETWORKS OF SUPPORT

One of the elements that often comes out from research studies among the migrant population is the importance of personal networks of support, as well as access to NGO support and of other groups outside of government services, sometimes due to eligibility and other times due to the more informal and accessible nature of service provision.

Most of the people interviewed affirmed that they received some sort of help or support in looking for work, dealing with employment-related legal challenges or in generally navigating the system. For example, one interviewee was struggling with life in the open centre when he first arrived until he met someone who introduced him to a priest who helped him with work and accommodation.⁴¹ Another interviewee told us of the very difficult situation she was in when she became undocumented. She had been working legally with

38 Servizz: Education, Science and Technology, "Free Childcare Scheme", https://www.servizz.gov.mt/en/Pages/Education_Science-and-Technology/Education-Services/Early-Education/WEB544/default.aspx
39 Focus group with stakeholders, 19 February 2025.
40 Aditus Foundation, "Asylum Information Database (AIDA): Country report Malta", September 2024, p. 114.
41 Interview E.
42 Interview C.

a job, a limited pool of willing employers, lack of knowledge, and other logistical challenges. There are services that centre around the employment of a person (for example the childcare scheme as above but also being required to show payslips and other documentation in hospital) which not only rely on a person finding a job but also securing an employer who is willing to hire asylum seekers, and has the knowledge to apply for the employment licence and other paperwork. The employer must also wait for the issuance of the employment licence before a person can start working, which may take some time, especially for asylum seekers and rejected asylum seekers, whilst Jobsplus is required to carry out security checks with different authorities such as the Immigration Police.⁴⁰

These practical challenges outlined show that there are a number of elements that make the process more difficult for people in a precarious legal situation in Malta, some of which can be mitigated with the provision of support, with language acquisition for example, and others which are more systemic and make a person's situation more challenging.

a work permit which was then revoked once her asylum application was rejected. She had a friend and colleague who was advocating for her with the boss to try and get them to keep her employed, to continue earning money to survive. The employer tried to do this for as long as possible, whilst the friend was trying to find options for her to acquire documents, but her employer had to let her go due to fear of the consequences.⁴² This situation can often occur for undocumented people, where they end up in a difficult position of having no option of working legally.

One interviewee had a complicated migration story. After having tried to leave Malta without the required documentation, he ended up spending time in prison. He used the time to learn some English and to improve his Maltese and actually managed to form a good relationship with some of the guards there, as well as with some of the



Maltese people who had worked in detention. One security guard gave him a phone number of the place where his wife worked because they knew he worked in metal and had some skills which could be of use to the company.⁴³ These connections were worth a lot because he knew he had a lot going against him – undocumented, and with a record of time in prison, but at least he was able to start earning money and building a life again.

Support from NGOs, such as JRS, were also highlighted as beneficial. One interviewee stated that he had very little information about the asylum process, documentation and rights, but JRS helped him understand all of this.⁴⁴

LACK OF A REGULARISATION PATHWAY, STABILITY, AND LITTLE REWARD FOR INTEGRATION EFFORTS

As previously outlined, the former regularisation pathway, Specific Residence Authorisation (SRA), is no longer available. This gave rejected asylum seekers who had been living and working in Malta and establishing a life for themselves some stability. Other regularisation pathways also existed previously, but at present only renewals for SRA can be applied for, though an increasing number of people are losing this status due to not meeting the criteria for renewal. This makes SRA a highly precarious legal status for people.

NGOs highlighted how the increase in people losing their SRA has led to an increase in

43 Interview A.
44 Interview D.
45 Interview with representative of Alf Mizzi & Sons Marketing.
46 Interview H.
47 Focus group with NGOs, 15 October 2024.

"I'm ok, because I had help."

Support from NGOs was also noted as a positive from an employer. For example, hiring a rejected asylum seeker (with a yellow book and the right to work) comes with risks (for example, they might leave the country, or be targeted for removal) and also may not always be as favourable to hire in terms of work permits and status, but a recommendation from an organisation about their character, work experience and skills helps with the hiring process.⁴⁵ The role of NGOs such as JRS acting as a bridge between the individual and the employer was also highlighted by an interview participant, who felt that without this support, and the chasing up and information provided by JRS, most of the paperwork needed for his employment would not get done.⁴⁶

For an undocumented person, informal networks of support can often be a vital source of survival, when they are not eligible to make use of other channels of support. Even when a person can access mainstream support services, they often do not know about them or they prefer more individualised support they may receive from NGOs, particularly those that are accustomed to dealing with issues of migration and documentation.

people who are undocumented, or *de facto* undocumented, with only the yellow book. They spoke about the link between deteriorating health conditions and the loss of SRA and how this has led to the most vulnerable people becoming increasingly more vulnerable, without access to necessary healthcare and medication due to the loss of status and documents.⁴⁷

The removal of SRA is also widely discussed in the migrant community. In October 2021, a group of migrants (including those who had lost SRA, SRA holders and other undocumented and *de facto* undocumented) protested in the streets



Group of migrants protesting in the streets of Valletta, in response to a serious injury on a construction site. Photo: JRS Malta

of Valletta, in response to a serious injury on a construction site, whereby the victim (a holder of residence status in Italy) was abandoned by his employer on the side of the road. They also highlighted the serious impact of the removal of SRA, outlining that it increases the number of undocumented people vulnerable to exploitation and without access to services.⁴⁸

During outreach, people have often mentioned the precarity of the SRA status and knowing people who lost it, are also consumed by the fear they will lose it themselves. Many of those who are homeless, or roofless, are people who either lost SRA or THP-n (another previous regularisation pathway) and remain without access to services and have fallen through the cracks. Meanwhile they also remain vulnerable to being targeted by raids, even though many come from countries where deportations do not take place. They therefore remain stuck in this situation without a way forward.

One community resident spoke of how he has been working and living under good conditions

with SRA for 10 years. The employer treats him well and is trying to help employ his wife with a work permit, as family reunification is not possible with SRA. However, he lamented that SRA holders are treated as though their sole purpose is to work and pay taxes. He shared the story of a friend with mental health issues who lost his SRA and is now undocumented, and being treated as though his mental health condition, and by extension, loss of documentation, is his fault.⁴⁹

One interview participant mentioned how the removal of the SRA pathway is unfair on those rejected asylum seekers who are working regularly and paying their taxes.⁵⁰ Without any form of regularisation, there is a fear amongst this group of people when they do get sick, even more so if working irregularly:

“Before there was a system to give an ID card when you’re working and paying tax and now it’s not there. It is unfair.”

Another issue raised relating to regularisation was the fact that it is not possible for an asylum seeker or rejected asylum seeker to convert to a Single Work Permit. One interviewee stated that it does not make sense to import many people here to work when there are already people here and working and who may not have the chance to get status and documents through the restrictive asylum system.⁵¹

Another interviewee, who is working completely undocumented, feels that in another country he would receive some kind of document, especially as he is a skilled worker. He acknowledged that he doesn’t come from a conflict country or is persecuted, but life was tough in his home country. He said most people leave Malta due to this lack of being able to belong, but in his case, he wants to stay, he likes the job and is good at it. He speaks Maltese and is working hard to fit in here.⁵²

“I have skills that many

people don’t have. My boss wants to keep me here, for me to get documents. Malta needs workers, they are always bringing them from abroad. I am already here. I speak the language, I know the culture.”

The same interview participant said that some people don’t understand that it’s not possible for him to get documents. He met someone who told him to send all his documents and proof of employment to Identità, but then he heard nothing. This felt like false hope to him.⁵³

Another interviewee had a similar experience where his employer wanted to employ him legally even though it was not possible, and sought the advice of a lawyer, but the lawyer said he would need to return to his country, which he could not do.⁵⁴ This also indicates a lack of awareness amongst employers and the general public about the lack of pathways for regularisation and integration. Tragically, this interviewee had a serious accident and has been left paralysed

and so was supported to apply for the THP status, on the basis that he would not receive adequate healthcare and support back home and needs to remain in Malta for treatment.

He expressed a sombre understanding about his situation, that only due to losing the ability to walk and live a normal life, was he given access to documentation:⁵⁵

“To get a document, this had to happen to me.”

At present, the government has affirmed that there are no plans to reinstate SRA for new applications or a similar pathway, despite renewed efforts from NGOs calling for this.⁵⁶ What is clear is that in light of the significantly low rates of protection being granted, and the removal of the SRA status, the numbers of undocumented or *de facto* undocumented people has increased. More people are finding themselves in a precarious legal situation, hence the renewed calls and campaigns for the reintroduction of a regularisation pathway that acknowledges the contribution of people to society.

MARGINALISATION, DISCRIMINATION AND BULLYING AT WORK

Another significant issue that was reported by research participants was the issue of mistreatment at work, in the form of discrimination, bullying and racism. Public perception of migrants is frequently reported as being significantly negative,⁵⁷ and many people’s stories and testimonies correlate to this, with experiences shared of being shouted at, not being trusted and in general just not being made to feel welcome in the workplace.

Whilst some interview participants noted that some aspects they reported could amount to cultural differences, many told us about being shouted at regularly, and being treated differently from Maltese colleagues. One participant mentioned being shouted at often, and usually in front of everyone, which makes him feel ashamed

and disrespected. Even though he’s working in a highly skilled job, his skills seem to deserve less respect because of his status as a TCN:⁵⁸

“Just because they opened the door, it does not mean that you will be met with respect.”

Another mentioned being shouted at so many times by Maltese colleagues and bosses that he now no longer wants to work with them, as they make him feel he cannot do anything right.⁵⁹

48 PICUM, “Malta: migrants call for decent regularisation mechanism”, 6 December 2021, <https://picum.org/blog/malta-migrants-call-for-decent-regularisation-mechanism/>

49 Experience shared during community outreach

50 Interview G.

51 Interview B.

52 Interview I.

53 Interview I.

54 Interview A.

55 Interview A.

56 This is Home, <https://thisishome.org.mt/>

57 See for example: Matthew Vella, “Maltese report low media trust and ‘negative feeling’ on non-EU migration”, *Malta Today*, 17 December 2023, <https://www.maltatoday.com.mt/news/europe/126602/maltese-report-low-media-trust-and-negative-feeling-on-noneu-migration>

58 Interview B.

59 Interview E.



One interviewee told us that he thinks the situation was not always like this, and that things have changed in the last few years, especially as policies against migrants got stricter, and because people feel like there are too many migrants living and working in Malta. He said that he feels Maltese employees have more power in the workplace and often get away with not doing the job properly, whilst if he, or another foreign worker, does something wrong, they will be reported and punished immediately. Since an episode where he was reported for making a small mistake, he changed work – he no longer tries to make friends and the only conversations he will have is when he needs to explain something to someone new.⁶⁰

Another participant also noted this issue about the different treatment between foreign workers and Maltese employees. He said that if you make a mistake, it is always acknowledged, and often by making a public scene and humiliating him by shouting at him in front of others, whilst on the other hand, he (and other foreign workers) is never praised for doing a good job or appreciated at work. On the contrary, if a Maltese colleague makes a mistake, it is dealt with privately and respectfully. The same for when a job is done well – often a Maltese client will ensure good feedback is given about the work done by a Maltese employee, but this never happens for him, even when he knows he has done a good job, something which he finds quite hurtful, but has accepted.⁶¹

“Do you think that this is due to racism? It is just a part of life. It doesn’t only happen in Malta. It has been happening since I arrived that people look at me differently. I try not to think about it anymore.”

The issue of discrimination from the public was also mentioned by another interviewee, who works irregularly, on beaches, during the summer months. He said that members of the public often don’t treat him and other workers well, even becoming aggressive at times. He told a story that really bothered him, of assisting a mother with a pushchair and she responded by shouting at him not to go near her baby, which he feels is due to racism.⁶²

“All I try to do is help people. But they don’t trust me. I am just a black worker to them. Sometimes it is hard not to be angry about this.”

The issue of racism and the Maltese public’s perception of migrant workers was also brought up by trade unions when the topic of a migrant worker strike was raised. Some of the representatives said they worried that there would be a backlash from the public as they tend to blame the foreigners themselves for problems which are often systemic and also affect them in many ways.⁶³

Despite policies and measures in place to combat racism and discrimination,⁶⁴ these workers’ experiences show that many workplaces are not accustomed to a diverse workplace and the experience of different treatment between local and foreign workers is very apparent. This greatly impacts people feeling like they belong, especially when they feel targeted because of the colour of their skin, and/or their migration status.

BUREAUCRATIC HURDLES

A number of bureaucratic hurdles faced by migrant workers were outlined by interviewees and different stakeholders. This section will cover those issues not linked to status documentation but those more related to employment licences (work permits), bank accounts and the newly introduced Skills Pass. Some of these issues also constitute forms of exploitation, as will be outlined, but the cumbersome nature of bureaucracy and numerous and changing requirements presents challenges in their own right.

There are different types of employment licences for different migration statuses, as highlighted in the introduction. In most cases, a TCN on a Single Permit, will need the permit and job secured before coming to Malta. Rejected asylum seekers, asylum seekers and appealing asylum seekers need the employer to apply for them (in the name of the employer and for a specific job), whereas persons with protection can apply in their own name. Both employers and migrants interviewed noted the confusion between different types of permits and not knowing which type is which. As the majority of migrant workers are TCNs on a single work permit, sometimes there is confusion about how to apply for a work permit for an asylum seeker for example, and very little support with how to apply.⁶⁵ NGOs also highlighted the issue of work permits with varying lengths of validity, ranging from three months to one year, stating that this creates instability for those fortunate enough to secure employment.⁶⁶

One interviewee said that many employers don’t want to hire asylum seekers regularly with a work permit, as the bureaucratic requirements are too cumbersome, requiring frequent renewal and lengthy renewal procedures, so they just hire

people irregularly, and that this issue is even more common for people who only have the yellow book. He stated that employers don’t know the difference between the asylum seeker document, the appeals document and the yellow book and always ask for people who already have a work permit.⁶⁷

“The truth is that the bosses don’t want to do the work permit for asylum seekers. There is no point. They can just find someone new when they want.”

The issue of the permits taking a long time to be issued was also reported by employers in relation to TCNs, who stated that the process is taking increasingly long. The problem with this is that the need for an employee is usually immediate – after someone resigns and works a notice periods, this is not enough time to complete a recruitment process and bring someone from abroad with all the completed and approved paperwork, which can take several months. Whilst the process itself is now more efficient having moved online, the lengthy delays and adding more steps to the process such as the notary/lawyer’s signature on documentation, makes the process longer and more cumbersome. The medical test requirement and the lawyer signature requirement place more of a financial burden on the employee as well as a bureaucratic one, and require more support from HR, who may not know all of these aspects.⁶⁸

60 Interview F.
61 Interview H.
62 Interview G.

63 Focus Group with Trade Unions, 22 October 2024
64 Ministry for Equality, Racism and Innovation, “Anti-Racism Strategy 2021 – 2023”, [english-policy-doc-online.pdf](#)
65 Focus Group with Stakeholders, 19 February 2025; Interview H.
66 Focus Group with NGOs.
67 Interview G.
68 Interview with representative of Alf Mizzi & Sons Marketing.

Another issue raised in relation to employment licences and declaration of engagement of work was shared by a government stakeholder participant. Sometimes a person is engaged to work in a particular job, with the same job written on the employment licence, but then in reality they are doing something else. Other issues with employers are that they often don't complete the necessary paperwork and then Jobsplus has to follow up. There ends up being gaps on someone's employment history because the engagement forms and termination forms are not done properly, or there are inaccuracies with taxes and payslips so even when someone thinks the administrative and bureaucratic elements have completed, in fact they have not. This can be very damaging for a person, especially whose right to stay in Malta may well be tied to having employment.⁶⁹ This also shows the power an employer has on the level of regularity of someone's employment.

An additional bureaucratic challenge for people, especially those in a precarious legal situation, is the issue of bank accounts and the fact that there are still many people unable to open one to pay their salary into. The banks say this is a matter of due diligence but then people end up having to be paid in cash, with nowhere to keep this money safe. This is also the case for some vulnerable Maltese people. With large amounts of cash, people are more vulnerable to theft, unable to save and just generally more financially unstable.⁷⁰ One NGO also highlighted that being paid in cash leaves people vulnerable to exploitation, such as underpayment and taxes not being managed and paid properly by employers.⁷¹ However, it was also highlighted that for people who cannot access a bank account, and in particular undocumented people, cash payments remain the only option. Possible upcoming changes to the law to outlaw cash payments and the increasing move towards a cashless society could have disastrous effects on undocumented people.⁷²

69 Focus Group with Stakeholders, 19 February 2025
70 Focus Group with Stakeholders.
71 Focus Group with NGOs.
72 Focus Group with NGOs; Focus Group with Trade Unions.
73 Institute for Tourism Studies, "Skills Pass: Tourism and Hospitality", <https://www.skillspass.org.mt/>
74 Meeting with Employers, 26 March 2025.

An additional bureaucratic hurdle that is now presenting a challenge for workers and employers is the Skills Pass. This has so far been introduced for persons wishing to work in the tourism or hospitality sectors, with plans to introduce it to other employment sectors soon.⁷³ The course covers a number of topics relating to working with customers, some basic Maltese and English and was designed to be completed by those wishing to come to Malta to work and later be extended to other groups such as asylum seekers by 2026. However, a last-minute decision was made to bring forward the requirement for asylum seekers and failed asylum seekers to have the Skills Pass in the hospitality sector. Employers (and other stakeholders) were not notified of this decision by Jobsplus and found out about it when they went to apply for a renewal of the employment licence, which was then rejected due to the individual not being in possession of the Skills Pass. Employers told us they were frustrated by this as the Skills Pass does not make sense for a dishwasher, for example. There are compulsory modules and parts about working with customers that are not relevant for everyone. It also does not take into account the language and literacy levels of the person.⁷⁴

One of the employers stated that it doesn't encourage the employer to invest in people, and solidifies the message that people are replaceable: "If the person does not have the Skills Pass, I'll be expected to replace him with someone who does, but what about our working relationship, I've invested time and money in this person, gotten to know him as part of the team".

These bureaucratic hurdles make a system which is already difficult and challenging to navigate even more difficult. Processes relating to work permits differ between different legal statuses and a lack of information amongst employers makes the process more difficult for workers. Furthermore, waiting times and the addition of new requirements for both employers and employees present additional challenges.

EXPLOITATION

There are many different types and levels of exploitation that occur in the workplace, to which migrant workers, and especially undocumented people are more vulnerable. Interviewees alluded to multiple instances that constitute violations of the law, often without the possibility for redress or investigation. Different types of exploitation were mentioned ranging from long hours, being underpaid or sometimes not paid at all, to being mistreated by the employer in a number of ways.

***"Without documents, people exploit you."**⁷⁵*

One interviewee recounted a time he was working when he was still an asylum seeker. For the first couple of weeks, he was working up to 10 hours per day without being paid, and they told him this was because it was mandatory training, which is against the law. After this period of training, he was then paid at irregular times, with the amount of money always changing, and always in cash. He noted that each month the pay would decrease, and when he asked about it, they told him it was for the tax payments, such as social security. He has since learned that this work was not registered with Jobsplus or the tax department, and he did not have a tax number, so he was not paying taxes at all.⁷⁶ This is a fairly common occurrence often uncovered by NGOs and other service providers who try to reduce the room for exploitation by seeking to establish whether a person is paying social security, that the employer has properly registered the employment and that all these elements are in place. One interviewee noted that most people don't know whether the money being taken from their salary is going towards taxes or not, because no one explains to them that they need to apply for the social security number and the tax number.⁷⁷ A similar experience shared by someone who had lost their SRA said it happened because the employer wasn't paying their taxes even though they had said they were, and so when he went to renew his SRA, he discovered that he had not paid a significant amount of contributions.⁷⁸

"But who is facing the

75 Interview C.
76 Interview B.
77 Interview H.
78 Experience shared during community outreach
79 Interview F.



consequences? Not the employer but me."

Another interview participant spoke about his first job in Malta, which he got through an agency. The factory is well-known for employing a lot of foreign workers in Malta, including asylum seekers and rejected asylum seekers. He mentioned that they hire a lot of people and then fire them very quickly and people never know how long they will be working there. One of the concerning and exploitative practices from this job that he spoke about was that the bosses watch the workers with a camera, and if something falls from the factory conveyor belt, the person is immediately fired. Additionally, employees from this factory would be given one 15-minute break in 8 hours.⁷⁹

"This work, it is slavery work."

Interviewees also spoke of the exploitative nature of summer work, as it is usually very casual and these jobs, such as helping set up sunbeds at the beach, or assisting with various tourist activities, are often short-term, paid in cash, and not declared to the authorities, meaning employees are not paying any social security or income tax. One interviewee, who in fact is not undocumented and holds THP status, is still working in this type of undeclared and casual labour. He said he is paid cash, without a contract or work permit, and the boss pays his employees whatever he wants. He stated that this type of work is easy to get, and it has its positives because you don't need to wait for the work permit to be granted to start working and earning money.⁸⁰

On the other hand, another interviewee speaking about this casual and short-term labour stated that he has always been really aware of how no one cares about you, and that ultimately you are replaceable in this type of work:

“You are just there to do the work. You work, and you get them money. They treat you however they want. And you know if you stop, someone else will do it.”⁸¹

Interviewees that have spent time working undocumented often knew that their pay was below the legal minimum and that they were being asked to work hours that were not legal (for example one worked daily from 8am to 5pm without a break), but felt that there was nothing they could do about it, and that they could not complain because they were lucky they were able to have a job.⁸²

One undocumented interviewee spoke about issues with taking time off work. He mentioned that he can take sick leave in theory, but that he won't get paid for it, so he will usually just carry on working, even when he is unwell. Although he knows he is lucky to be respected and treated well, especially as an undocumented person, he is not always paid regularly and he knows he is not

80 Interview F.
81 Interview H.
82 Interview A; Interview C.
83 Interview I.
84 Interview H.
85 Interview C.
86 Focus Group with Trade Unions.
87 Focus Group with Trade Unions.

paid what the work is worth, as it involves a lot of skill, so he feels that his experience and skills are exploited because of his lack of legal status.⁸³

“They make me feel as though I have to be a robot. Just working. Not allowed to get sick”⁸⁴

In one very serious story of exploitation of an undocumented woman, she spoke about how she found a carer job, hired by a man to look after his elderly mother. She did not speak Maltese or English, and this led to being exploited in different ways, paid only in cash and often in minimal amounts. She spoke about being taken advantage of in many ways, and that he would often tell her that he knows she is illiterate, and he can pay her whatever he wants, often threatening and humiliating her.⁸⁵

As would be expected, the issue of labour exploitation of migrant workers was much discussed in the focus group with trade unions:

“The role of the trade union should be to make a fair level playing field for everyone to avoid exploitation. This should be the starting point.”⁸⁶

The participating unions noted that exploitation of workers is a concern that spans across many different sectors in Malta, highlighting that construction can be a hugely exploitative sector. They also mentioned how small businesses such as shops can also exhibit problematic behaviour towards their employees.⁸⁷

Union representatives highlighted the matter of TCN workers having their work permits tied to a specific employer and a specific job, and how this

can lead to exploitation, with many workers being threatened about reporting illegalities. If they report abuse or go to the police, they risk losing their jobs and breaking ties with their employer, thus losing their legal status in return. This creates an atmosphere of intimidation, where migrants feel trapped and afraid to speak out.⁸⁸ The trade union representatives also confirmed many of the issues highlighted in the interviews with migrant workers, such as illegal working hours, mismanagement of tax payments and employees not taking, or not being allowed to take vacation and sick leave. They stated that in some cases, the exploitation of migrant workers is actually the business model of that company,⁸⁹ a serious cause for concern.

Trade Unions also emphasised how many young asylum seekers and refugees are unaware of their employment rights and the opportunities available to them, including the existence of trade unions that advocate for workers' rights. The representative working with youth said that this lack of awareness extends to MCAST students who are in placements, as they often don't know their rights as workers, or think that the usual employment rights don't apply to them. This gap in knowledge can leave them vulnerable to exploitation and hinder their ability to seek fair treatment in the workplace.⁹⁰

Another issue related to exploitation that had been raised by trade unions was the issue of agencies, that has already been mentioned. They indicated that there are a lot of illegalities in the way that they work, in some cases equating to human trafficking. These agencies have a lot of control over their workers. When, for example, food couriers went on strike, which was supported by one of the unions, the agencies were threatening their workers to call off the strike.⁹¹

Ultimately, trade unions recalled their crucial role in addressing the exploitation of migrants, particularly TCNs, who are essential to the functioning of the Maltese economy.⁹²

88 Focus Group with Trade Unions.
89 Focus Group with Trade Unions.
90 Focus Group with Trade Unions.
91 Focus Group with Trade Unions.
92 Focus Group with Trade Unions.
93 Focus Group with Stakeholders.
94 Interview C.

Additionally, other stakeholders also raised issues of exploitation and how much of it stems from practices of the employer. This was particularly the case when it comes to health and safety, and how many employers take risks, including those businesses actually run by migrants. The stakeholder reported that often risk assessments for vulnerable people are not carried out, and she spoke of Maltese employers, many of whom have been in the business a long time, who have a very relaxed attitude towards health and safety, which can lead to exploitation of workers.

“People have this “uwijja” attitude, that they do not have time to change a broken tile or an expired fire extinguisher. This mentality needs to change. The employer should always be responsible for their employees.”⁹³

The dehumanising nature of labour exploitation, especially when experienced by an individual in multiple different forms and repeatedly in every job they work in, takes a toll on a person, to the point where they are just valued according to their productivity. This situation is further exacerbated when a person is undocumented, and it becomes a surprise to be treated with dignity and respect, as expressed by one interviewee:

“In this job, it was the first time I felt like a human being.”⁹⁴

FEAR OF LOSING THE JOB: ACCEPTING THE UNACCEPTABLE

Something repeatedly highlighted by those in a precarious legal situation is the constant fear of losing their job. Migrant workers mention feeling replaceable in their work and particularly those without legal access to the labour market are very aware it may not be possible to find other work. This is linked to the many different forms of exploitation that are highlighted above but this fear merits its own analysis, especially for undocumented people and those whose status is increasingly precarious.

Issues surrounding leave have already been mentioned, but one interviewee told us that whilst leave is available to him, he does not take it. He explained that he does not want to take leave just in case he is replaced and actually takes his untaken leave as extra pay. This also applies for sick leave. On one occasion, he had been signed off from work for 3 days by a doctor, but he did not take them as he was afraid of losing his job and losing money. He had passed through a lot of problems with status and documents, and he feels under pressure because his family back home is afraid that he will lose this job, so he puts up with a lot of things that he knows are unacceptable. This fear also means that he does not speak up, even when he has opinions about how the work is being done, and even when other colleagues ask him questions because of his skills and experience, because he can just be replaced.⁹⁵ One of the aspects that is often also accepted by undocumented workers is issues of health and safety. One interviewee was involved in a serious accident as an undocumented worker on a construction site. His story also involves avoiding taking time off for being sick, which as an undocumented person would mean he would lose money. He had to take any work he could get so he could afford his expenses. Before his accident, he had another very close call where he almost fell on another construction site. He told us that without documents, employment options are very limited and you're often limited to short-term work on construction sites which are rarely safe.⁹⁶

“Safety is zero in Malta. It

doesn't matter.”

The Occupational Health and Safety Authority acknowledged that reporting issues of health and safety is not a priority for migrant workers when they need to earn money and keep their job.⁹⁷ Reporting illegalities or concerns can make people more vulnerable to forms of exploitation if they cannot change or leave their job. This reporting also makes them known to the authorities, which, as explained, has its own risks of a person being targeted by the Police, especially in the context of the increase in immigration raids.

“They are often afraid to report.”

Participants in the focus group for trade unions discussed solutions and ways to mitigate this fear of losing work and the extensive forms of exploitation. The issue of supporting a migrant strike was discussed with the participating unions. They affirmed that in general the appetite amongst migrant workers to strike is very low – employees know that they will lose money for not working and they cannot afford to, especially when they feel that nothing will change. Additionally, trade unions discussed the importance of not having a work permit tied to residency status, as it means that many abuses take place, which people accept because of the issues with changing job, especially for TCNs on the Single Work Permit who are afraid of losing their status and of deportation.⁹⁸

As explained, this fear of losing employment is even greater for an undocumented person due to the risk of detention and deportation. As many employers would be unwilling to hire an undocumented person for fear of the consequences of illegal practices it means some people end up having to accept exploitative and often dangerous work and accept things they would not have to accept if they had access to legal and safe work.

JOBS THAT DON'T MATCH UP TO PEOPLE'S SKILLS: A SYSTEM WHERE POTENTIAL DOESN'T SEEM TO MATTER

Some interviewees reported issues with not being able to find jobs that match their skills. One very highly educated interviewee said that it was hard to find work as an asylum seeker in the beginning for many reasons, but he had to accept a job as a waiter. He stated that this was actually very challenging for him psychologically, he felt like a failure given all that he had studied for.⁹⁹ This was also affirmed by an employer who stated that due to financial pressure, or even needing to remain in Malta legally and update the work permit, people end up taking a job that does not match up to their skills and qualifications. Sometimes this can be a significant thing for people to have to adapt to, and there may be elements that they might not want to accept, such as lower pay than expected.¹⁰⁰

Some of the interviewees are currently undertaking courses to improve their employment prospects, including full-time higher education programmes. One told us that as soon as he arrived in Malta, he knew that he wanted to continue studying, as he had in his home country. He was referred to JRS by staff at the open centre and started the long process required to study, starting with focusing on English classes. He stated that this extensive effort was worth it because he will have better skills for better work and a better salary, that is currently not very accessible to him.¹⁰¹

Another interviewee acknowledged that even though he is undocumented, he has skills and experience which are not common in Malta. He said that if he got a document, he would still keep the same job. A document would allow him to earn a higher salary and entitle him to more rights and protection at work, whilst he could still do the work that allows him to utilise his skills.¹⁰²

The skills and labour gaps in Malta were acknowledged by the trade union focus group, noting that many sectors would struggle without TCNs and other migrant workers in the workforce.¹⁰³

Here we see the difficulty for some migrant workers to find work that matches up to their skills and qualifications but also a concerted and difficult effort on the part of many to access education to make sure they can access more dignified work. Additionally, there are significant skills gaps in Malta that can be filled by migrant workers, even those who are undocumented, showing the potential of a workforce that doesn't have legal access to the labour market. This could be mitigated by acknowledging the contributions and integration efforts, as well as the skills and experience of rejected asylum seekers and undocumented persons, in the form of a regularisation status, also solving the economic issue of labour market gaps.

RISING COST OF LIVING, POVERTY AND ECONOMIC PRESSURE

The rising cost of living in Malta, and its associated challenges, has been widely reported in recent years.¹⁰⁴ As was highlighted in the section on different forms of exploitation, the issue of pay was frequently noted. Even when wages are not illegal, they are often very low when compared

to the cost of living in Malta, which includes rent prices, grocery costs and other unforeseen expenses. Additionally, migrant workers often face additional financial burdens, which can include paying for healthcare (depending on their entitlements), work permit costs, and the

95 Interview B.
96 Interview A.
97 Focus Group with Stakeholders.
98 Focus Group with Trade Unions,

99 Interview B.
100 Interview with representative of Alf Mizzi & Sons Marketing.
101 Interview D.
102 Interview I.
103 Focus Group with Trade Unions.
104 See for example: Neville Borg, “Cost of living tops Malta’s concerns”, *Times of Malta*, 31 March 2023, <https://timesofmalta.com/article/cost-living-tops-malta-s-concerns.1021474>

expectation, or need, to send money to family back home.

Employers also acknowledge the high cost of living. One company interviewed in this research stated that although they offer higher salaries, there are still a lot of challenges for people. She said that many of their TCN workers are also working other jobs such as food couriers or taxi drivers at weekends and at night, outside of their 40 hours full-time work, to be able to afford all the things they need to pay for, including sending money back home. They often end up exhausted.¹⁰⁵ This was also confirmed by a participant of the stakeholder focus group who acknowledged that many people are overworking in multiple jobs because they feel the pressure to provide for family back home, to the point where they become tired and are not necessarily safe at work.¹⁰⁶

One interview participant who is studying full-time and working to cover his expenses said that exhaustion is an issue for him. After work, he has to study, and sometimes he sleeps for just two hours a night, but he has to keep working as many hours as he can, in order to manage everything.¹⁰⁷ Another participant said that he feels there is a lack of understanding from employers and policymakers about the cost-of-living crisis in Malta and how many more expenses there are for foreigners. He doesn't think that he deserves to be paid more, but that everyone's wages need to increase, to compete with the rising costs of living. He is working several jobs at a time in order to cover his rental costs and take care of his family back home. He is not managing to save and is still having to ask for support from other family members to cover his expenses. He

THE PSYCHOLOGICAL STRAIN OF BEING UNDOCUMENTED

As this report has highlighted, there are many complications that come with being undocumented or *de facto* undocumented. Interviewees and people encountered through community outreach shared some experiences with us that reflect the mental toll of not having documents and the impact of the punitive climate for migrants, where they feel the constant threat

105 Interview with representative of Alf Mizzi & Sons Marketing.
106 Focus Group with Stakeholders.
107 Interview D.
108 Interview B.
109 Experience shared during community outreach.
110 Focus Group with NGOs.

also told us that whenever he is shortchanged or feels underpaid in any of his jobs, he complains because he needs all the money that is owed to him:¹⁰⁸

“I feel ashamed to complain just for a few coins, but I am fighting for my rights. I am 47 years old and still supported by my mother. This gives me shame.”

For those living in extreme poverty, suffering from or facing homelessness, there are even further challenges. One individual in the community reported the difficulty of finding work when you have no phone or access to an email address in order to be contacted for work. If he manages to secure work even for one day, they cannot contact him as he does not have a phone, and cannot afford one until he does find work, so he is stuck in a cycle that is very difficult to break out of.¹⁰⁹

The constant anxiety of not having documents or status or being in a situation of legal precarity leads many people into accepting short term, unstable and low-wage jobs. NGOs confirmed that this is due to having to meet their basic needs in the face of the rising cost of living.¹¹⁰ The pressures of the cost of living are felt by most of the population, but are exacerbated for those in a precarious legal situation, who are unable to access as much support from mainstream services, and feel pressure to send additional money to family members back home.

of removal. The fear associated with losing a job has already been outlined, but there are some issues linked to the psychological impact of being undocumented or in a precarious legal situation, that emanated from interviews and are worthy of note.

One interviewee who become paralysed from

a workplace accident, remarked that at one workplace, he was the only undocumented person there and was always aware that his job was the most vulnerable. This employer was meanwhile trying their best to regularise his status, by consulting with lawyers, even though there seemed to be no options for him. However, one day someone had an accident there and ended up in hospital. After this, they became afraid to keep him as they could get in trouble for employing someone without documents. Not only did he become unemployed, and an undocumented jobseeker again, but he had been happy there and the business was family-run, which he felt part of and cared about, something he knew he would not find elsewhere, especially in the construction industry.¹¹¹

The precarity of the yellow book and the fear of its removal has already been highlighted. This brings a lot of mental strain for people who only hold this document. Whilst holders of the document have the right to work, it can be taken from them at any time and renewal requirements are becoming more stringent requiring people to have valid work permits and housing contracts. These rules are not stipulated anywhere in written policy and the process and entitlements are often subject to change. Furthermore, being in possession of the yellow book does not protect a person from being targeted by raids and for removal.

The precarious nature of this document is not lost on those who are in possession of it. One interviewee told us that he was given the yellow book before his second rejection (after appeal) and has always worked with that as many employers are actually more familiar with it. He has not told his employer that he received the final rejection as the yellow book is still valid and he still has some time left on his work permit. He does not know what will happen when he needs to go and renew because people from his country are being targeted in the raids and he is constantly afraid this will happen to him. He also expressed frustration at working legally, including paying taxes, but knowing he is not eligible to receive services usually enjoyed by the taxpayer, expressing anxiety about his future.¹¹²

“They tell you this is the right thing to do, but then,

111 Interview A.
112 Interview H.
113 Interview H.
114 Claudia Calleja, “Community faces deportation after almost 20 years in Malta”, *Times of Malta*, 24 August 2024, <https://timesofmalta.com/article/ethiopian-residents-deported-treat-like-criminals.1097176>
115 Focus Group with NGOs.

what if you get sick? You don't have the right to make use of the taxes that you are paying. So, what is the point in paying taxes, if these just go for other people?”

He also often experiences disappointment and frustration. While ultimately, he is happy that he pursued higher education, he knows he has reached the end of the road and can be deported from Malta. He is hurt that he tried hard to integrate and fit in but then the government never rewarded him for this.¹¹³

NGOs working in the field also highlighted the precarity of the yellow book and how its granting, renewal and the permission to stay in Malta itself is at the discretion of the authorities. Participants outlined that it brings significant uncertainties, including for people that have been living in Malta for many years. Recent instances of raids targeting particular communities and nationalities, such as that of Ethiopians who have been living in Malta, some for as long as nearly 20 years, being detained for removal,¹¹⁴ have led to an increase in fear amongst asylum seekers and rejected asylum seekers. NGOs stated that this has, in some cases, deterred them from seeking employment opportunities, as despite having the right to work, people feel unsafe at work, vulnerable to raids, and fearful of having everything they know taken away from them.¹¹⁵

NGOs further highlighted the mental strain that the raids have, meaning people do not feel safe at work, at home or even in public spaces. They said that raids targeting rejected asylum seekers, visa overstayers and TCNs who have lost their residence permits for various reasons instil fear amongst communities and reinforce the narrative that these communities have committed a crime, especially the manner in which immigration control is conducted. Participants highlighted the dehumanising nature of making a public spectacle of immigration control and the impact this has on both migrant communities and the local population. Furthermore, it was expressed that fear of the government also extends to government agencies providing social services

as migrants do not trust them not to share information about their legal status with the Immigration Police. One NGO representative also expressed concerns about the impact increased restrictions could have on their own work, and others mentioned the fear of raids being conducted at their own premises during the course of their activities or services.¹¹⁶

One interviewee spoke of the lack of information and often being misled, and how this has been difficult for him. He was released from detention as an undocumented person, making him ineligible to work legally and thus it was very difficult to find work. However, he did not know he did not have the right to work until he was told by Jobsplus, which came as a big shock to him. He visited many workplaces, and he felt was subjected to a lot of ridicule – not only did they tell him they could not hire him, but they would also tell him regularly that he should go back to his country, something he says he was also told by Jobsplus.¹¹⁷

Now that he has found work, he is very afraid of being taken back to detention, even though he had to be released after 2 years in detention because a return could not be secured. He said that sometimes people come from the government for inspections at the workplace and he stays at home. His boss is very worried about this, and for him he always has this worry hanging over him, that his boss will no longer want to take the risk:

“I have to stay home when the government wants to come to our workplace. Not just I am afraid, my boss is also afraid.”¹¹⁸

As an undocumented person, this individual recounted constant feelings of nervousness and stress. He finds it hurtful that everyone constantly tells him to return to his country, and being constantly asked about documents makes him feel like he isn’t a person and that the most important thing about him is his legal status. He stated that he can never relax and is always on edge when he sees a Policeman. He told us he never stops thinking about how the government

116 Focus Group with NGOs.
117 Interview I.
118 Interview I.
119 Interview I.
120 Experience shared during community outreach.
121 Interview C.

believes his country is safe and that the Maltese government is working hard to secure returns back to his country.¹¹⁹

“Everyone tells you to go back to your country, and you know the government is trying to do that. Always looking for a way to send you back. You cannot trust anyone. You are always nervous of what is going to happen next.”

The mental strain of being undocumented was also highlighted by people in the community during outreach sessions. One individual shared his experience of working for many years in Malta, changing jobs frequently. He speaks Maltese and English, and despite having a good relationship with his latest employer, he was recently asked to provide documentation to be employed legally. Without it, his employer had to terminate his employment, leaving him unemployed. He was aware of the yellow book but remained wary of going to the Police to apply for it and making himself known to the authorities. This situation has affected his ability to access services, including healthcare. One of his biggest concerns now is his advancing age, since he is growing older, has nothing to show in terms of previous employment, whilst also worried about job opportunities available to him as an undocumented and ageing individual, who will be unable to access support as he gets older.¹²⁰

Finally, one interview participant spoke of the mental relief at being granted a document. A status was granted on the basis of health meaning they could access the healthcare system, and they no longer feel the mental strain of the threat of deportation:¹²¹

“Now I have a document, I can speak again, I am not afraid. I will have work, and my health, which is the most important thing.”

SYSTEMIC STUMBLING BLOCKS THAT PREVENT A LIFE OF DIGNITY

There are many other issues, relating to law, policy and practice that make life even more difficult for all groups of migrant workers. Some of these issues were highlighted previously, but research participants highlighted how many of these structural and systemic issues have deeply impacted their lives, in relation to employment, but also with regard to being able to live a life of dignity, where they feel a valued part of society.

For example, as previously outlined, the Maltese government implements a safe countries policy that means if a person comes from a country on the list and wishes to apply for asylum, they cannot enter the labour market until 9 months have lapsed from lodging the application.¹²² Generally, persons from a “safe country” enter into an accelerated procedure and their applicants are often rejected as manifestly unfounded. This policy was mentioned by NGOs as a cause of people working irregularly and being vulnerable and often victim to exploitation, as they still need to work and earn a living.¹²³

There is also a significant challenge with regard to labour market exploitation with regard to persons with protection in other EU Member States, who work irregularly in Malta as they are not entitled to work legally and can be considered *de facto* undocumented on the island as they remain without access to services when necessary. NGOs reported meeting several people of this profile over the years who had been involved in serious workplace accidents with limited access to healthcare and support and many becoming so sick that they are unable to return to the State where they have protection (or other legal status) to renew their documents, thus becoming even more vulnerable.¹²⁴ This group of people is also very vulnerable to raids and detention, followed by removal from Malta, due to working irregularly and overstaying their allowed 90 days in Malta. Interviews with this group were not possible, but community outreach workers met people who had a protection status or work permit in Italy who were unable to find employment in Italy.

They were of the opinion that due to labour gaps in Malta, they should be able to work here legally because employers are offering them work but it is often dangerous and exploitative, and the employers do not get punished for doing this.¹²⁵

NGOs also spoke about how undocumented migrants (and increasingly other groups) face substantial obstacles in accessing healthcare services. Many NGOs noted that these individuals are often turned away from essential medical services or face exorbitantly high bills that they often cannot pay, due to their lack of documentation. A common issue is access to medication, where many undocumented migrants are denied their prescriptions if their documentation has expired, or they are required to pay upfront, which is frequently unaffordable. This situation contributes to a vicious cycle where undocumented migrants cannot secure necessary healthcare, exacerbating their vulnerability and inability to seek stable employment.¹²⁶ Access to healthcare is also becoming an issue for people of other statuses, with confusion and a lack of standardisation over entitlement to services, and with people being asked to prove employment status with payslips and other documents before being provided with a service.¹²⁷

NGOs also highlighted that certain demographics among asylum seekers are disproportionately affected. Women, particularly pregnant women, victims of sexual and gender-based violence (SGBV), and those who depend on the legal status of their husbands, face additional barriers. One NGO reported that some women faced significant difficulties in leaving their domestic violence shelters to search for employment due to fears of deportation or harassment. Furthermore, the plight of elderly people was emphasised, particularly those in their 70s with disabilities, who are unable to work and lack access to essential healthcare services. This group often finds itself vulnerable and unsupported, compounding their challenges in navigating life in Malta.¹²⁸

122 Aditus Foundation, “Access to the Labour Market”, *Asylum Information Database*, <https://asylumineurope.org/reports/country/malta/reception-conditions/employment-and-education/access-labour-market/#:~:text=In%20May%202021%2C%20the%20Maltese%20Ministry%20of%20Home,nine%20months%20from%20the%20lodging%20of%20their%20application>.
123 Focus Group with NGOs.
124 Focus Group with NGOs.
125 Experience shared during community outreach.
126 Focus Group with NGOs.
127 From experiences of shared by JRS service providers and other NGOs.
128 Focus Group with NGOs.

The issue of family reunification was also raised by interviewees, as a barrier to them being able to lead a full and dignified life. For TCNs, the rule is that the individual must be earning over the median national wage, currently €18,940 (plus an additional 20% of this amount for each additional family member) to qualify for family reunification¹²⁹ The average wage for a TCN on a Single Work Permit was reported as €18,443 in 2024, which was 17% less than the average wage at that time.¹³⁰

As for protection statuses, family reunification is only accessible to those with refugee status in Malta, something which has been condemned by NGOs for being one of only 3 EU Member States that restrict this right for holders of Subsidiary Protection.¹³¹ One interviewee told us he is looking to change jobs because he needs a higher salary to be able to bring his family here, who he does not feel are safe in his country of origin. He finds it ironic that Maltese society and government messaging is often about the importance of family and the importance of education, but this does not seem to be true or considered important for foreigners.¹³²

A further significant cause for concern is the matter of TCNs with protection needs. There are a considerable number of people who are here in the country with a Single Work Permit who may also have a genuine claim for asylum. The right to seek asylum is enshrined in human rights law,¹³³ and States have an obligation to facilitate this process. People with this status often apply close to the expiration of their visa and, as they are suspected to be doing do only to frustrate legitimate attempts to remove them, are sometimes taken to detention from the International Protection Agency offices, where they lodged their claim.¹³⁴

However, one interviewee, who is now a Single Permit holder, actually lived the opposite experience. He fled his country in fear and so sought asylum. He assumed that as a victim of persecution and the fate of many of his family members, he would be granted protection, but

the International Protection Agency rejected his application for asylum, citing credibility issues. He also reported problems with the interpreter which he believes led to his rejection. In his case, he had to leave the country and needed NGO lawyers to fight an entry ban he was given in order to come back on a Single Work Permit, which he saw as the only option for safety and to build a better life for his family.

The final systemic and political issue, which has already been outlined in relation to the fear felt and experienced by undocumented people, is the prioritisation of returns. The practice of raids and how these are conducted has already been mentioned, but there is also an extensive focus on voluntary returns, with a number of advertisements placed around the island, increased community outreach of the Returns Unit, as well as a concerted effort to persuade people to return whilst they are in detention.¹³⁵

One interviewee, from a listed safe country, reported that whilst he was in detention, he was told by staff to give them his ID card (from his country) and they would try and get him the yellow book. However, they then told him that because he has ID, he should take the 500 euros offered by the government for voluntary returns and go back because he has no prospects to stay here and would be forcibly removed if he did not go voluntarily.¹³⁶ NGOs corroborated these reports, stating that they know of many episodes where people are being coerced to return, “voluntarily.”¹³⁷

Employers also spoke about the problems of not knowing who will be targeted for returns or not, stating that they have instances where rejected asylum seekers leave abruptly but they don’t know whether it’s because they left of their own free will or not, but employees become very wary, and afraid, when there are specific nationalities being targeted. It is also a cause for concern that these raids are now targeting workplaces, and their employees do not feel safe.¹³⁸

CONCLUSION AND RECOMMENDATIONS

This report has sought to shed light on the lived realities of migrants living and working in precarious legal situations in Malta, drawing from a series of personal testimonies, focus group discussions, interviews. The findings portray a picture of systemic exclusion, bureaucratic entanglements, and widespread vulnerability. Migrants, especially those living and working as undocumented or *de facto* undocumented, face numerous challenges in accessing stable and legal employment, receiving fair treatment, and having their basic human dignity respected.

Despite their contributions to the Maltese economy and society, these individuals remain trapped in a cycle of insecurity, often forced to accept exploitative conditions out of fear of losing what little stability they have. The increasing criminalisation of irregular migration, the absence of accessible regularisation pathways, and a hostile migration, employment and bureaucratic landscape exacerbate these struggles, perpetuating marginalisation and deepening poverty.

The mental and physical toll on individuals is profound, impacting not just their ability to work, but their sense of self-worth and belonging. As the Maltese economy continues to rely heavily on the labour of migrant workers, it is imperative that policy responses evolve to reflect not just economic needs, but also the human cost of policies and practices.

In light of the findings from conversations with migrant workers, key stakeholders and employers, and the experience of working with those in a precarious legal situation and witnessing the backsliding of a peoples’ rights we are recommending: the **reintroduction of a regularisation pathway**, and more broadly **a societal shift towards a greater respect for workers’ rights**, regardless of legal situation.

REINTRODUCTION OF A REGULARISATION PATHWAY

The reintroduction of a regularisation pathway would provide legal stability to many people who did not qualify for asylum or protection status yet, have been living in Malta for a number of

years, paying taxes, are part of Maltese society and strong and diverse communities.

Reintroducing such a mechanism would reverse many of the detrimental effects caused by the removal of the SRA status (and previously THP-N), and (re)acknowledge the valuable contribution people have made to Maltese society. It would go a long way to combatting the multiple forms of exploitation outlined in this report and allow people to live regularly in the community, and access safe, legal and dignified work. We also call for a mechanism that values contributions to society that go beyond work and tax payments, as whilst they are important and highly valuable, there are others in society who are less able (due to health conditions or other vulnerabilities for example) to have the “deservedness” of their residence in Malta reliant solely upon their engagement in the labour market. There are many different ways that integration efforts can be demonstrated and a person’s value to society acknowledged.

PRIORITISATION OF WORKERS’ RIGHTS, REGARDLESS OF LEGAL STATUS

This research has demonstrated many ways that migrant workers’ rights are violated. This experience is not restricted exclusively to migrants – on the contrary it is shared by other vulnerable groups of workers – however, owing to issues relating to legal status migrant and undocumented workers are often particularly vulnerable.

We believe that the only way to truly tackle exploitation at the workplace is to ensure that complaints regarding ill-treatment at the workplace and violations of employment law are investigated thoroughly and punished, regardless of the worker’s legal status. Respect for workers’ rights should be non-negotiable and should not depend on a person’s immigration status.

Whilst the laws and institutions are in place to protect workers’ rights, what the reality and experience shows is that it is often the migrant worker, rather than the employer, who is punished for violations of the law. This is reflected in workplace inspections for example, that focus

129 Identità, “Non-EU Nationals Fam
130 Justice and Peace Commission, “Beyond GDP II Third Country Nationals in Malta: Sharing in our economic future or serving labour market interests?,” December 2024, <https://jp.church.mt/beyond-gdp/> , p. 35.
131 JRS Malta, aditus Foundation and Integra Foundation, “Family Unity: A Fundamental Right: A Project Integrated 2018 Policy Paper on the Right to Family Reunification for Beneficiaries of Subsidiary Protection”, November 2018. Available at: https://jrsmalta.org/wp-content/uploads/2022/02/Project-Integrated-publication-on-family-reunification_2018.pdf
132 Interview B.
133 UN General Assembly, Universal Declaration of Human Rights, 217 A (III), 10 December 1948, <https://www.refworld.org/legal/resolution/unga/1948/en/11563> , Article 14.
134 From experiences of shared by JRS and aditus Foundation service providers.
135 From experiences of shared by JRS and aditus Foundation service providers.
136 Interview I.
137 Focus Group with NGOs.
138 Interview with representative of Alf Mizzi & Sons Marketing.

almost exclusively on checking the documentation of migrant workers. To effectively stamp out abuse of vulnerable workers, such inspections should seek to uncover all forms of illegality, whilst ensuring that employees are not punished for violations committed by an employer.

Employees, whatever their legal status, should be able to seek redress for violations of their rights from the institutions that are there to protect and support them, including DIER, Jobsplus, trade unions, etc., without being stuck in long and cumbersome procedures, and without fearing losing their job, further marginalisation, targeting by immigration enforcement and control, loss of status, and removal.

To ensure that this happens, we urge the government to put a ‘firewall’ in place to ensure that migrant workers can approach the authorities without fear of immigration related consequences, such as detention or deportation even if they are undocumented. To be effective these safeguards need to be set out in law, policy and practice.¹³⁹

This ties in closely with recommendations that other stakeholders, particularly trade unions, presented during the focus group meetings held as part of this project, when highlighting the frequent and serious violations of workers’ rights which are met with very minor, or merely symbolic, punishments for employers. Their recommendations include the call for stronger punishments for employers who violate employment rights.

Ultimately the only way to ensure that workers rights are protected is by upholding a zero-tolerance policy towards abuse and ensuring that such behaviour is no longer profitable or tolerated.

***CREATING SPACES FOR
DIALOGUE AND JOINT
ACTION TO ENSURE
EFFECTIVE PROTECTION OF
UNDOCUMENTED MIGRANT***

Finally, better collaboration between stakeholders is needed to raise awareness of exploitative and illegal practices, highlighting lived experiences and the real impact of the government’s policies on people’s lives, as well as the creation of more spaces for dialogue between civil society and policymakers on this important topic.

The inclusion and participation of migrants and refugees in these spaces is also vitally important, allowing for the realities and needs of those directly affected to be outlined. Migrant workers of all legal statuses and situations should feel able to come forward and share experiences and recommendations for policymakers without the fear of consequences.

Continued research and awareness raising on this topic is also crucial going forward, especially with those in the most precarious legal situations, such as undocumented (and de facto undocumented) people, especially in light of changes in the local and European legal and policy contexts, that may have a further negative effect on people’s lives.

139 See more at: [Reporting obligations and ‘firewalls’ - PICUM](#)

