

## EVALUATION OF AN INTERVENTION ADDRESSING THE EMPLOYABILITY CHALLENGES OF HIDDEN VULNERABLE GROUPS IN MALTA

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### Abstract

Our research aimed at the impact evaluation of an intervention which benefited people excluded from the labour market. The primary objective of this paper is to shed light on less commonly discussed barriers to employability, specifically the insufficient documentation affecting certain social groups such as migrants and LGBTQ+ individuals. The authors examined an innovative, yet relatively small-scale project undertaken in Malta.<sup>3</sup> This initiative aimed to assist disadvantaged and marginalised groups through legal counselling and rental subsidies, facilitating their full participation in the labour market. Qualitative methods were employed by the authors to evaluate the project, utilising the OECD evaluation criteria. The evaluation revealed that despite encountering challenges and falling short of its initial numerical targets, the project made significant strides in addressing critical gaps within Malta's support infrastructure for vulnerable groups. The authors found that the intervention is relevant and coherent, builds on a decade-long experience and research evidence. It has involved many other stakeholders, created synergies, adhered to high professional standards, empowered its beneficiaries, and already has a visible impact.<sup>4</sup>

### Keywords

Malta, NEETs, employability, migrants, refugees, LGBTQ+ people, evaluation

## I. Introduction

In our paper, we share the results of an impact evaluation conducted within the framework of the Lost Millennials project, funded by the EEA and Norway Grants. The Lost Millennials project aimed to achieve sustainable integration of NEETs into the labour market. Recognising the diversity among NEETs, the Lost Millennials project narrowed its focus to NEETs falling in the age bracket 25-29 years (25+ NEETs). During the selection phase of an initiative to be evaluated in Malta, we were unable to identify a completed intervention that specifically and exclusively targeted 25+ NEETs. However, we found projects that potentially reached NEETs, including those in the 25-29 years age group.

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<sup>4</sup> This study is grounded in research conducted as part of the Lost Millennials project, which received funding from the EEA and Norway Grants. The focus was on examining the situation of individuals aged 25 and above who are NEETs across various European countries.

The 'Documentation = Employability' initiative specifically focused on often overlooked groups facing challenges in obtaining legal employment namely, migrants and LGBTQ+ individuals in Malta. This initiative was designed to offer legal and housing support to individuals, enabling them to acquire the necessary documentation for meaningful participation in the labour market. The target demographic of this intervention is a diverse group comprising individuals with various vulnerabilities, many of whom belong to the 25+ NEET category and are considered somewhat 'concealed' or 'hidden'.

As the initiative 'Documentation = Employability' was implemented in Malta and therefore offered a unique context, this paper starts off by presenting specifics of the Maltese context. This includes not only an examination of the labour market dynamics, but also the circumstances surrounding migrants and individuals from the LGBTQ+ community in Malta. Following this contextual overview, the project 'Documentation = Employability' is described and its aims and implementation explained. The evaluation methodology is expounded on and the results are presented against the Organisation for Economic Co-operation and Development (OECD) evaluation criteria. The paper concludes by reflecting on the outcomes and deriving recommendations based on the findings.

## II. The Maltese context

### *2.1. Labour market, employment and unemployment in Malta*

Before the COVID-19 pandemic, Malta had recorded one of the EU's highest real GDP growth rates. However, the impact of the pandemic shook the foundations of that growth model, which heavily relies on tourism. Malta's GDP contracted significantly in the first half of 2020 due to safety measures implemented by the authorities and restricted air traffic that interrupted international tourist arrivals to the island.<sup>5</sup> In 2022, the growth rate of GDP returned to pre-pandemic levels.<sup>6</sup>

Malta boasts impressive employment-related statistics, including youth employment and NEETs rates<sup>7</sup>, demonstrating a better situation than the EU average. In Malta, the unemployment rate for individuals between 15 and 29 years of age remained significantly lower than the EU average during the pandemic period.<sup>8</sup> In 2020, this indicator increased to 7.4 % (compared to 13.6 % in the EU). In 2021, the unemployment rate for this age bracket dropped to 6.3 % (compared to 13.0 % in the EU), and in 2022, it fell below the pre-pandemic level to 5.9 % (compared to 11.3 % in the EU).

It is noteworthy that Malta has one of the lowest NEET rates in the European Union, showing an impressive and radical decrease within a decade. Remarkably, Malta has surpassed the 2030 EU

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<sup>5</sup> European Commission (2020)

<sup>6</sup> Statista (2023)

<sup>7</sup> Given the focus of the Lost Millennials project on 25+ NEETs, the statistical data presented in this paper primarily relates to this particular age group: 25-29 years. However, not all employment related data are available for this rather narrow age bracket. In cases where this is the situation, we present data inclusive of this specific age group.

<sup>8</sup> Eurostat (2023 a)

target in this area.<sup>9</sup> Based on 2022 data, the employment rate in Malta is one of the highest in the EU (with a considerable gender gap), both among the active population and in the 15-29 age bracket.<sup>10</sup>

## 2.2. Underlying challenges in the labour market

Good employment statistical data may mask underlying challenges. Any examination of the employment numbers in Malta must be considered in the context that the country relies strongly on foreign workers to address labour shortages and skills gaps. Employed foreign nationals in Malta and Gozo at the end of 2022 amounted to 96,970<sup>11</sup> accounting for more than one third of the total employed population. After the COVID-19 pandemic, the proportion of third-country nationals arriving to Malta on special working visas radically increased. In 2022 third-country nationals made up 83.1 % of the total net migrants,<sup>12</sup> many of whom are engaged in precarious employment (poorly paid, unprotected, and insecure), often comprising young individuals. 2022 data from Jobsplus shows that 22% of the employed third-country nationals were in the 25-29 age cohort.<sup>13</sup> This trend could contribute to the elevated risk of in-work poverty in Malta in 2022, surpassing the pre-pandemic level.<sup>14</sup> It is also important to notice that the influx of cheap labour has a significant impact on wages (they remain low), and on housing (as rental prices are rocket high because of the extreme demand for rents) both for Maltese and non-Maltese residents.

The level of educational attainment in Malta is lower than the EU average.<sup>15</sup> While Malta has seen promising trends in the field of education, such as increased participation in tertiary education, particularly among women,<sup>16</sup> and a decrease in early school leavers by one third after Malta's EU accession,<sup>17</sup> challenges remain in aligning the education systems with the labour market's demand for skilled workers. The impact of crises, like the 2007/8 financial crisis and the COVID-19 pandemic, have revealed the fundamental fragility in this regard, underscoring the importance of education, skills, employability, and adaptability. Those with lower levels of education bear the brunt of the consequences more acutely during such crises.<sup>18</sup>

Despite the promising employment statistical data, there are 'hidden' groups facing multiple disadvantages, social exclusion, or discrimination. These groups are often difficult to reach through policies and initiatives aimed at integrating them into the labour market or the education system. Among these hidden groups are individuals with disabilities and/or mental health problems, migrants, refugees, undeclared and irregular workers, undocumented people, members

<sup>9</sup> NEET rate (15-29 age bracket) in Malta in 2022 was 7.2 while the EU average 11.7. Regarding the 25+ NEET rate, in Malta in 2022 it was 7.3 while the EU average 15.7. Source: Eurostat (2023 b)

<sup>10</sup> 15-29 age bracket employment rate in 2022 the EU: 49.2%; in Malta: 69.8%. Source: Eurostat (2023 c)

<sup>11</sup> Jobsplus (2023)

<sup>12</sup> NSO (2023)

<sup>13</sup> Jobsplus (2023)

<sup>14</sup> Eurostat data reveals that Malta's 'in-work at risk of poverty rate' stood at 5.3% in 2019. It decreased to 3.4% in 2020 but then climbed back to 4.4% in 2021 and further increased to 5.6% in 2022. (Eurostat 2023 d)

<sup>15</sup> Eurostat (2023 e)

<sup>16</sup> From 18.8% in 2013 to 31.7% in 2022, Source: Eurostat (2023 f)

<sup>17</sup> From 33% in 2005 to 10,1% in 2022, Source: Eurostat (2023 g)

<sup>18</sup> Generation Climate Europe (2022), pp 4.

of the trans- and non-binary community, single parents, and dependent spouses in abusive relationships.

This study focuses on those who face challenges on the labour market because of lacking proper documentation (defined in the following sub-chapters), mostly migrants and refugees, and members of the LGBTQ+ community.

### *2.3. Migrants and refugees in Malta*

EU nationals exercising their Treaty Rights in Malta are issued with a residence document that reflects their immigration status in Malta and can exercise the same rights concerning employment as Maltese citizens. In the case of third-country nationals, the single permit authorises them to legally reside and take up employment in Malta for a defined period which may be further renewed. Undertaking the process of obtaining a permit involves a single application procedure, which includes the application of a work and residence permit.<sup>19</sup> However, when people on single permits lose their job, they may be deported from Malta within a short period of time.

Asylum seekers are entitled to access the labour market, without limitations on the nature of employment they may seek. In terms of the Reception Regulations, this access should be granted no later than nine months following the lodging of the asylum application. In practice, asylum-seekers are authorised to work immediately.<sup>20</sup> In May 2021, the Maltese Ministry of Home Affairs introduced a new policy that denies asylum seekers from countries included in the list of ‘safe countries of origin’ the right to work. In June 2021, 28 human rights organisations endorsed a statement issued by the Malta Refugee Council, describing the new policy as ‘discriminatory and inhumane’, claiming that it is aimed at denying people the possibility to work and earn a living.<sup>21</sup>

Various sub-groups among the migrants (for example EU citizens on maternity break, applicants for citizenship, asylum-seekers, family members of refugees, undocumented third country nationals, victims of human trafficking, dependent third country nationals, third country national parents of EU nationals, vulnerable migrants, stateless persons)<sup>22</sup> may need legal support to fight their case and apply for legal residency in Malta and proper documentation to enable them to exercise their full rights on the labour market.

### *2.4. Members of the LGBTQ+ and non-binary community in Malta*

Malta is one of the safest countries in the world for the LGBTIQ+ community and ranked as the best European country for LGBTQ+ rights in Europe in 2023 for the eighth year in a row.<sup>23</sup> This outstanding achievement resulted from ground-breaking legislative reform in the last decade. In

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<sup>19</sup> Expatriates Unit | Identity Malta Agency

<sup>20</sup> Access to the labour market - Asylum Information Database | European Council on Refugees and Exiles

<sup>21</sup> Malta Refugee Council, A New Policy to Drive People Into Poverty and Marginalisation, 11 June 2021

<sup>22</sup> Aditus Foundation (2022 a) The research paper prepared within the framework of the Documentation = Employability identifies vulnerable target groups, which may include Maltese citizens as well; homeless people or persons with mental health problems for example.

<sup>23</sup> ILGA Europe (2023)

2013 the government launched an LGBTIQ+ Consultative Council,<sup>24</sup> and in 2014, the Maltese parliament passed the Civil Unions Act.<sup>25</sup> The first Civil Union was celebrated on the 13th of June<sup>26</sup>. In 2015, parliament adopted the Gender Identity, Gender Expression and Sex Characteristics Act.<sup>27</sup> In 2016, Malta was the first EU member state to ban Conversion therapy (i.e. ‘curing’).<sup>28</sup> In 2017, Malta introduced marriage equality<sup>29</sup> and, in the same year, allowed for the X marker on identity cards and passports.<sup>30</sup> In 2018, a gender well-being clinic<sup>31</sup> opened its doors to offer multi-disciplinary services to transgender individuals.

Despite the progressive legislative and institutional environment, people identifying as non-binary or transgender might face difficulties when obtaining documentation. The documentation they possess does not necessarily reflect their gender identity; they might need legal support to apply for proper documentation. Furthermore, refugees and asylum seekers in Malta may include people requesting protection because of their sexual orientation and identity, as it is criminalised in their country of origin.

### **III. The project**

The goal of the Aditus ‘Documentation = Employability’ project funded by the European Social Fund (ESF) was to identify the personal or institutional obstacles preventing people from being appropriately documented and intervene to remove these obstacles through targeted in-person support. Within the project framework, (1) Aditus provided legal support services to persons encountering difficulties in obtaining updated and accurate documentation. Support services included tailor-made legal consultations to secure correct documentation for the beneficiaries to enable them to become employable in a dignified and legal manner. (2) The project also included a rental subsidy scheme to assist individuals facing financial hardships to live a dignified life until they can achieve a higher degree of independence and self-reliance. (3) To impact institutional and structural capacity, Aditus also produced consultation-based research on the relationship between (the lack of) personal documentation and social exclusion.<sup>32</sup>

The project was implemented from January 2021 until July 2022 (extended to December 2022). Until the original end date, it supported 156 individuals (111 male and 45 female beneficiaries), minimum 19% and maximum 47% of them belonging to the NEETs category (uncertainties are rooted in the lack of data on the exact age of the beneficiaries). The vast majority of the beneficiaries were asylum seekers, rejected asylum seekers, refugees and third-country nationals. Six beneficiaries openly identified themselves as members of the LGBTQ+ community.<sup>33</sup>

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<sup>24</sup> LGBTIQ Consultative Council - Who we are

<sup>25</sup> Civil Unions Act

<sup>26</sup> The Malta Independent (2014)

<sup>27</sup> Gender Identity, Gender Expression and Sex Characteristics Act. (2014)

<sup>28</sup> The Guardian (2016)

<sup>29</sup> Marriage Act

<sup>30</sup> Times of Malta (2017)

<sup>31</sup> Times of Malta (2019)

<sup>32</sup> Aditus: Documentation = Employability, project information

<sup>33</sup> The project’s target group was defined in details in the application: Members of the trans and non-binary community; Asylum-seekers; Applicants of the Specific Residence Authorisation (SRA); Holders of Specific Residence Authorisation (SRA) seeking to renew the 3-year permit; Newly-arrived dependant family members of

Commonalities amongst these groups are discrimination, administrative delays, incorrect or incomplete application of legal rights, lack of information on entitlements and procedures, and the inability to engage effectively with public institutions.

The total budget of the project was EUR 79,791.

#### IV. Materials and methods

The Aditus project is a small initiative, so the applicability of *quantitative methods* is limited; analysis of the numbers is descriptive (planned numbers vs implemented numbers, gender and age distribution, outcome and result indicators). *Desk research*, the thorough analysis of the available documents,<sup>34</sup> was the most applied methodology. The evaluator conducted two *interviews* (in December 2022 and March 2023) with the project implementers and one with the representative of a partner organisation (in May 2023).

The evaluator acknowledges that the lack of information from two key stakeholder groups — beneficiaries and the funder who were not available for interviews or focus group discussions — is a significant weakness in the evaluation methodology. The conclusions noted below are, therefore, based mainly on secondary sources including an external partner’s opinion, project documents and publicly available success stories.

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refugees; Non-Maltese same-sex partners of persons living in Malta seeking to obtain partner visas to come to Malta; Victims of human trafficking; Spouses in abusive relationships who are dependent on the abusive spouse for their residence permits; Vulnerable undocumented migrants who could be eligible for a humanitarian permit; Stateless persons, therefore undocumented; Third-country nationals who are eligible for Long Term Residence; Undocumented third-country nationals who are parents of an EU national child; Third-country nationals who could be eligible for citizenship; Maltese persons and families facing similar challenges in securing their documents, such as persons with mental health problems, homeless people, and persons with disabilities.

<sup>34</sup> Aditus provided the following documents. BCI has rigorous internal data protection policy and rules. All data we receive we handle highly confidentially. No sensitive personal data of the beneficiaries (name, ID number, contact information) have been shared.

1. Project Proposal
2. ANNEX to the Proposal: work plan
3. ANNEX to the Proposal: Budget
4. ANNEX to the Proposal: Note on sustainability
5. Grant Contract (draft)
6. Interim Implementation Progress Report (January 2021 - June 2021)
7. ANNEX to the Report: Data on beneficiaries (January 2021 - June 2021)
8. Interim Implementation Progress Report (July 2021 - December 2021)
9. ANNEX to the Report: Data on beneficiaries (July 2021 - December 2021)
10. Interim Implementation Progress Report (January 2022 - June 2022)
11. ANNEX to the Report: Data on beneficiaries (January 2022 - June 2022)
12. Research paper on Support Services for the Documentation of Various Communities
13. Rental Subsidy Beneficiary Guidelines
14. Extension request from Aditus to the Managing Authority

The evaluator also reviewed and analysed: publicly available legislative and policy documents relevant for the project; publicly available information on the project on Aditus’ website and social media; publicly available information on success stories and legal cases within the framework of the project.

## V. Results

This section presents the results of the evaluation of the ‘Documentation = Employability’ project implemented by Aditus in Malta. It follows the structure of the evaluation criteria<sup>35</sup> set by the Organisation for Economic Co-operation and Development (OECD), namely:

1. Relevance: Is the Intervention doing the right thing?
2. Coherence: How well does the intervention fit?
3. Effectiveness: Is the intervention achieving its objectives?
4. Efficiency: How well are the resources being used?
5. Impact: What differences does the intervention make?
6. Sustainability: Will the benefits last?

As this is an ex-post evaluation, all these questions are framed in the past tense. For the purposes of this article effectiveness and efficiency are treated within the same sub-topic and gender equality, viewed as a cross-cutting criterion, is presented in a distinct sub-chapter.

### 5.1. Relevance

#### Pro bono legal counselling

Observing the project implementation period, in 2021 there were 1,281 applications for international protection submitted in Malta, 644 decisions were made, and 3,265 cases were still pending at the end of the year. 477 cases (74%) were rejected, 153 persons (24%) received subsidiary protection<sup>36</sup> and 14 persons (2%) received refugee status.<sup>37</sup> In 2022, 973 applications for protection were submitted, 970 decisions were made, and 1730 cases were still pending at the end of the year. 783 cases (80%) were rejected, 172 persons (18%) received subsidiary protection and 15 persons (2%) received refugee status.<sup>38</sup> Regarding deportations (mostly third country nationals whose working permit had expired) only partial data available. In 2023; 1,100 people living in Malta illegally were deported within ten months. In 2022; 300 illegal immigrants were deported within four months.<sup>39</sup> These numbers, which give a sense of only a fraction of the target group's size, demonstrate the great need for legal counselling in the migrant community in Malta.

In Malta, numerous governmental, non-governmental and international organisations provide services to vulnerable populations such as asylum seekers, refugees, and other vulnerable groups like the members of the LGBTQ+ and non-binary community or people dependent on abusive spouses. While these services range from in-kind donations, financial support, social work, mentoring, counselling, training, integration services to mental health, Aditus, with its project ‘Documentation = Employability’ stands out as the only non-governmental organisation that

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<sup>35</sup> OECD (2019)

<sup>36</sup> UNHCR Malta: Subsidiary protection

<sup>37</sup> UNHCR Malta: Refugee status

<sup>38</sup> Asylum Information Database

<sup>39</sup> TVM News (2023)

provides free legal counselling and legal representation by lawyers for vulnerable, socially excluded and discriminated social groups.

### Rental subsidy

Eligibility for social accommodation in Malta is reserved to people with legal residency earning less than EUR 10,000 per year<sup>40</sup> However, individuals meeting this criteria but lacking proper documentation are excluded. Likewise, the housing benefit scheme, which provides financial assistance for rental costs, is exclusively to the most disadvantaged groups so long as they possess proper documentation.<sup>41</sup> The Rental Subsidy Scheme within the ‘Documentation = Employability’ project within Aditus acknowledges the rising costs of living increasingly evident in the past decade<sup>42</sup>, recognises the need for temporary financial support for those struggling to afford decent housing, complementing the legal counselling and legal recommendation offered by the project.

The project’s relevance lies in its resonance with the social context and the needs of vulnerable populations in Malta. In a context where eligibility for social accommodation is linked to legal residency and specific income criteria, the project sheds light on overlooked gaps and unmet needs, especially for those lacking proper documentation. The Rental Subsidy Scheme complements the legal assistance within the ‘Documentation = Employability’ project.

The third element, the research conducted within the project’s framework not only highlights overlooked situations faced by vulnerable populations lacking proper documentation in Malta, but it also offers concrete recommendations to legislators and decision makers.

### 5.2. Coherence

The project itself was shaped and designed guided by research and a wealth of experience working with the target group. Two pieces of research conducted by Aditus in partnership with other organisations underscored the critical issues addressed by the ‘Documentation = Employability’ project. The publication titled ‘*Dari? Refugee Voices on Making Malta Home*’<sup>43</sup> points to the problem that refugees are often employed irregularly (not registered) in Malta. The lack of adequate housing due to high rental prices combined with the typically low incomes of this group leads to substandard living conditions, increased accommodation mobility and uncertainties. Furthermore, the research paper ‘*Struggling to Survive - an Investigation into the Risk of Poverty among Asylum Seekers in Malta*’<sup>44</sup> highlights the ambiguous legal norms that regulate asylum-seekers’ access to basic services such as healthcare, housing, employment, education, and social support. The study also emphasises that the risk of poverty and social exclusion in Malta, as in other EU countries, is significantly higher in the migrant community than in society as a whole. Asylum-seekers are more affected by unemployment and poverty rates, which impact their physical and mental health.

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<sup>40</sup> Ministry of inclusion, equality and social welfare: Social Accommodation

<sup>41</sup> Housing Authority: Housing benefit on privately rented dwellings

<sup>42</sup> The inflation rate changed during the project implementation phase from 0, % (January 2021) to 7% (December 2022) in Malta. Source: NSO (2022)

<sup>43</sup> JRS Malta, Aditus Foundation, Integra Foundation (2017)

<sup>44</sup> JRS Malta, Aditus Foundation (2017)



Additionally, Aditus is the founder and member of three Maltese umbrella organisations, the Malta Refugee Council (MRC)<sup>45</sup>, the Platform of Human Rights Organisations in Malta (PHROM)<sup>46</sup> and the Malta Legal Network on Asylum. Based on these alliances and everyday cooperation with other organisations providing the same target group, Aditus creates synergies, makes it possible to avoid redundancies and to address unserved needs on the highest professional standards within the framework of the ‘Documentation=Employability’ project.

The evaluation confirmed the coherence of the project and found that Aditus, the organisation leading the initiative, was aware of the challenges facing the institution and had developed strategies to address them effectively. The project drew on the organisation's previous experience and incorporated research findings into its implementation. To avoid duplication and comprehensively address unmet needs, the project worked within an integrated network of stakeholders working with the same target group.

### *5.3. Effectiveness and efficiency*

The ‘Documentation = Employability’ project, aimed to benefit 365 individuals until the end of July 2022. By that time, which was the original end of the project, only 156 individuals, less than half the aimed outcome, had benefited from the project. The project was extended until December 2022 with an additional budget, however at the time of the evaluation, data on the number of beneficiaries in the extension period was not available. The Rental Subsidy Scheme branch of the project reached its aimed target number (10 beneficiaries), while the legal assistance branch fell short (156 beneficiaries instead of 365). Despite not achieving the intended target number of beneficiaries, the data indicated a consistent increase in beneficiaries during each reporting period.<sup>47</sup>

Considering that the project was designed in early 2020 when the extent (and timeline) of the Covid-19 pandemic impact was unknown and the fact that the implementation period, coincided with a time hampered by restrictions imposed as a result of the pandemic, it can be inferred that a substantial portion of the decreased reach of beneficiaries can be attributed to these challenges. Additionally, the document review suggests that Aditus did not define realistic or well-defined expected results (success rate) particularly in terms of the timeframe. Success rate means the percentage of beneficiaries who get employed after receiving service provision. It is not clear in the proposal what timeframe Aditus based its calculations on expecting an 80% success rate, but the reporting template requests information after four weeks of engaging with the beneficiary. The project achieved only a 18.5% success rate<sup>48</sup>, which is significantly lower than the expected 80%, described in the proposal.

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<sup>45</sup> Malta Refugee Council

<sup>46</sup> Platform of Human Rights Organisations in Malta (PHROM)

<sup>47</sup> Detailed statistical data on the beneficiaries is available in the original evaluation report. Kosa, E. (2023)

<sup>48</sup> Those who got employed among the beneficiaries are the same who successfully received proper documentation allowing them to work legally. The impact is even bigger in their case as often their family members’ legal documentation is solved, too.

Notably, while the project did not reach the intended number of beneficiaries with the allocated resources, based on the interviews, the evaluator acknowledges that the resources were under planned. From the document review and interviews conducted, it was obvious that many of the cases handled within the project framework were more complex and demanding than initially anticipated. Furthermore, according to the interviews with project implementers, the organisation prioritised core cases that required a significant amount of time and effort, but which have the potential to positively impact numerous other cases in the long run as precedents, thereby increasing the future efficiency ratio and success rate.

#### *5.4. Gender equality*

Aditus demonstrates an exceptional commitment to ensuring gender equality at all stages of the project implementation (and in all operations). This is evidenced by the deliberate recognition of the unique challenges faced by women in the project proposal. Many of the potential target groups are specific to women, ‘such as domestic violence survivors needing autonomous residence permit, the reuniting family member of a refugee needing her residence papers to reflect her status, the victim of trafficking needing to file a police report to be identified as such, the dependant family member of an Specific Residence Authorisation (SRA) applicant<sup>49</sup> needing for renewal application’.<sup>50</sup> In the majority of cases, the women who benefitted from the services provided within the ‘Documentation = Employability’ project experience intersectionality. The individuals not only face discrimination based on their gender but also as migrants, along with other intersecting factors. The project specifically outlined the goal to ‘strive to eliminate those personal and structural imbalances’ concerning women.<sup>51</sup> Overall, 29% of the beneficiaries of the project were women, reflecting the proportion of women among refugees and asylum seekers, who constitute the vast majority of the target group. Additionally, there were six beneficiaries who openly identified themselves as LGBTQ+, emphasising the project’s commitment to inclusivity and gender equality as core elements of the organisation in general.

#### *5.5. Impact*

Despite its relatively short lifetime, the project has yielded tangible, enduring outcomes with potential far-reaching implications. Project implementers explained that in many cases, the services provided within the framework of the ‘Documentation=Employability’ project are ‘life changing.’ Receiving proper documentation has an impact on beneficiaries’ entire lives: they are safe, entitled to public services, and are able to work legally and under decent circumstances leading to being able to lead and live a decent life personally, which also influences the lives of future generations within their families.

Some of the cases from the project framework are currently subject to legal proceedings or anticipated to enter litigation, which may shape national legislation as precedent-setting instances. One concrete example, which has garnered media attention<sup>52</sup> highlighting the plight of third-country nationals with Maltese dependents involves Milos Petrić. Petrić is a Serbian national and

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<sup>49</sup> Asylum Information Database on Specific Residence Authorisation

<sup>50</sup> Project proposal pp. 18.

<sup>51</sup> Project proposal pp. 18.

<sup>52</sup> Newsbook Malta (2023)

father of three children under the age of 10 residing in Malta since 2020. Within the framework of the ‘Documentation = Employability’ project, Aditus supported Petrić after his divorce from his Maltese wife in 2021 to pursue a ‘Zambrano permit’<sup>53</sup> which would allow him to remain in Malta based on the fact that he has Maltese children even though he is no longer married to a Maltese national. Although the above-mentioned right has been confirmed by Maltese Courts, to date, Malta has yet to issue legislative clarity on Zambrano permits for third-country nationals, and Identity Malta<sup>54</sup>, the government agency responsible for citizens’ identity management and the implementation of migration processes, continues to process these applications on an *ad hoc* basis. Aditus continues its legal representation of Petrić, aiming for a precedent-setting decision that could benefit six other ‘Documentation = Employability’ project beneficiaries in a similar situation.

The ‘Documentation = Employability’ project also highlighted significant discrimination existing in the documentation system. While Maltese non-binary persons can change their documents accordingly (with ‘X’ under sex), non-Maltese people cannot. Aditus advocates for equal treatment in this field, drawing attention to this issue through cases from the ‘Documentation = Employability’ project. In the ‘*Safe4All – Refugee stories*’ booklet,<sup>55</sup> the pitfalls of the ‘safe country of origin’ approach adopted by Malta are highlighted with the help of a feature of another beneficiary of the ‘Documentation = Employability’ project, Ismael - not his real name. This article highlights the risks related to returning refugees to countries that are considered ‘safe’ although they criminalise LGBTIQ+ identities or self-expression. As the authors explain, in their experience, ‘most LGBTIQ+ asylum-seeker applicants don't mention their sexual orientation to the International Protection Agency (IPA) or the Agency for the Welfare of Asylum Seekers (AWAS) during the first instance procedure in detention’<sup>56</sup> (due to lack of trust, fear of stigmatisation, etc.). Aditus, through the ‘Documentation = Employability’ project, represented Ismael, who disclosed his sexuality only during the removal procedure. In addition to legal assistance, Ismael also benefited from the Rental Subsidy Scheme of the project.

To demonstrate the impact of the project further, a noteworthy event documented on the project’s website is a demonstration titled ‘Stability not Uncertainty: Migrant community demands fair rights’<sup>57</sup> that took place in Valletta in October 2021. The migrant community of Malta protested against the discriminatory and inhumane treatment at the hand of authorities and public bodies, such as Identity Malta. The message of the protest aligns with the rights-based approach of the project detailed in its proposal. Besides providing legal aid, the project also aimed to ensure self-awareness of its clients’ rights. Although it is unknown how many of the participants were beneficiaries of the ‘Documentation = Employability’ project, this stance, the fact alone that the migrant community stood up for its rights demonstrates the reaching of this goal of the project.

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<sup>53</sup> The term ‘Zambrano permit’ emerges through case-law as a derivative right following a landmark decision in *Gerardo Ruiz Zambrano v Office national de l’emploi (ONEm)* by the European Court of Justice. A ‘Zambrano parent’ is a third country national parent of an EU citizen (in this case the Maltese children) who is granted permission to reside on the basis of that fact that failure to grant that permit would mean that the dependent citizen would have to leave the territory of the European Union.

<sup>54</sup> Identity Malta

<sup>55</sup> Aditus Foundation (2022 b)

<sup>56</sup> Aditus Foundation (2022 b) pp 4.

<sup>57</sup> Aditus Foundation (2021)

These examples demonstrate the far-reaching impacts of the project on the beneficiaries, their families and other people in a similar situation to them. Nevertheless, it is essential to recognise that these findings are purely dependent on secondary data and lack verification through direct interaction with the project beneficiaries.

### *5.6. Sustainability*

Although the project ended in December 2022 and with it ended its ESF funding, Aditus' case manager confirmed that the organisation is committed to independently continue with all ongoing cases. Aditus has articulated its intention to continue providing legal counselling and representation to socially excluded groups by exploring other funding sources.

From the interviews with project implementers from Aditus, it is clear that the organisation has been able to draw out important lessons from the implementation of this project. Aditus expressed that it intends to diversify the funding sources for the Rental Subsidy Scheme. Additionally, the organisation aims to enhance its reporting practices by incorporating more reflective reporting, including the hours spent per client, results achieved within a realistic timeframe, and additional results beyond getting into employment, education or active job searching.

Based on an interview with a partner organisation's leader which often forwards clients requiring legal assistance to Aditus, beneficiaries are generally satisfied with the services they receive. It is also notable that Aditus is well-known among the people it represents, with beneficiaries actively recommending its services to others. Most of their clients show up at their offices based on 'word of mouth' referrals having learned about Aditus from recommendations.

Although the sources of funding for Aditus' future activities cannot be confirmed and are highly dependent on a number of factors, the very fact that Aditus is committed to seeing through the ongoing 'Documentation = Employability' cases, as well as continuing its work in providing pro bono legal services to the target group and seeking diverse funding for the Rental Subsidy Scheme, demonstrates its commitment to staying the course.

## **VI. Conclusions**

The results section has highlighted various aspects of the 'Documentation = Employability' project, including its relevance, coherence, effectiveness-efficiency, sustainability, and commitment to gender equality. This section aims to discuss these findings, analyse their implications, and provide recommendations for future endeavours.

Based on this analysis, it appears the Aditus initiative has great importance in Maltese society; the project 'Documentation = Employability' addressed crucial gaps in Malta's support for vulnerable populations with the provision of pro-bono legal services and rental subsidies. It is relevant and coherent, builds on a decade-long experience and research evidence. The project involved many other stakeholders, created synergies, adhered to high professional standards, empowered its beneficiaries and already has a visible impact.

While the project did not meet its targets regarding the number of beneficiaries and success rate among them (effectiveness), challenges like the unforeseen impact of the Covid-19 pandemic and the fact that the results are measured by indicators unsuitable for the project affected the outcomes and results. More precisely, although the 'Documentation = Employability' project is in line with the goals of the Operative Programme and the Priority Axis, it is not measurable with the given ESF indicator system. Lacking proper documentation is a significant obstacle for many beneficiaries' employability, but providing legal counselling for documentation does not directly and quickly affect the employment status like a training course or internship programme. Change in the employment status due to the project's provision typically takes longer than four weeks, the given timeframe for the main result indicator. Despite these challenges, valuable lessons were learned, and the project's impact is evident in life-changing outcomes for the beneficiaries. Legal representation has led to potential precedents in national legislation, highlighted discrimination within the system and empowered beneficiaries to stand up for their rights.

Many NGOs in Malta struggle with raising enough funds for their operations, especially those representing marginalised groups and critical of the ruling political power. Hence, accessible funding sources are lifesaving for the organisations, even if unsuitable for the project's design. The evaluated initiative has a direct impact on its beneficiaries' employability. However, based on the evaluator's observation it is still a human rights provision rather than an employment-related project. Pro bono legal counselling for the most disadvantaged groups is one of the crucial services of Aditus, making a significant impact on the personal, legal, and societal level in Malta. However, squeezing it into the ESF funding framework is challenging. The evaluator assumes that the funder has also realised this discrepancy while appreciating the importance and achievements of the initiative by deciding to extend its timeframe and funding.

Although the 'Documentation = Employability' project faced challenges and did not achieve its initial numerical objectives, it made significant progress in closing critical gaps in Malta's support system for vulnerable groups. The importance of the project is emphasised by its compliance with the law, its relevance to the needs of society and the lasting impact it has had on beneficiaries. Aditus' commitment to continue to deliver its services independently, building on the lessons learnt, demonstrates its determination to sustain positive outcomes even after the project ends.

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