

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5326 GIBRALTAR Tuesday 14th July 2026

LEGAL NOTICE NO. 206 OF 2026

TREATY ON GIBRALTAR AND THE EUROPEAN UNION ACT 2026

TGEU IMPLEMENTATION (INTERNATIONAL PROTECTION) REGULATIONS 2026

In exercise of the powers conferred on it by section 13 of the Treaty on Gibraltar and the European Union Act 2026, and for the purpose of implementing Article 53 of the Agreement in respect of Gibraltar entered into between the European Union and the European Atomic Energy Community and the United Kingdom of Great Britain and Northern Ireland, and for connected purposes, the Government has made the following Regulations-

Title.

1. These Regulations may be cited as the TGEU Implementation (International Protection) Regulations 2026.

Commencement.

2. These Regulations come into operation on the Implementation Date.

Amendment of the Asylum Regulations 2008.

3.(1) The Asylum Regulations 2008 are amended in accordance with this regulation.

(2) In regulation 2 –

(a) before the definition of “accommodation centre” insert–

““absconding” means the action by which an applicant does not remain available to the Authority or the court, such as by leaving Gibraltar without permission from the Authority or the court, for reasons which are not beyond the applicant’s control;”;

(b) for the definition of “application for asylum” substitute–

““application for international protection” or “application” means a request by a person which can be understood as a request to be seeking refugee status or subsidiary protection status under these Regulations;”;

(c) in the definition of “applicant” for “asylum” substitute “international protection”;

(d) after the definition of “applicant” insert the following definition–

““applicant with special reception needs” means an applicant who is in need of special conditions or guarantees in order to benefit from the rights and comply with the obligations provided for in these Regulations;”;

(e) after the definition of “the Authority” insert the following definition–

““beneficiary of international protection” means a person who has been granted refugee status or subsidiary protection status;”;

(f) delete the definitions of “Council Directive 2001/55/EC”, “Council Directive 2003/9/EC” and “Council Directive 2004/83/EC”;

(g) after the definition of “country of origin” insert the following definition–

““daily expenses allowance” means an allowance provided to applicants periodically to enable them to enjoy a minimum degree of autonomy in their daily life, provided as a monetary amount, in vouchers, in kind, or as a combination thereof provided that such an allowance includes a monetary amount;”;

(h) in the definition of “dependant family member”, in paragraph (a)(i), for “asylum” substitute “international protection”;

(i) in the definition of “detention” delete “asylum”;

(j) for the definition of “family members” substitute–

““family members” means, in so far as the family already existed in the country of origin or former habitual residence, the following who are present in Gibraltar in connection with an application for international protection–

(a) the spouse of an applicant;

(b) the minor or adult dependant children of the applicant or married couple, provided that they are unmarried and regardless of whether they were born in or out of wedlock or adopted;

(c) where the applicant is minor and unmarried, the father, mother or another adult responsible for that applicant, including an adult sibling,

and in paragraphs (b) and (c) the minor is considered unmarried provided that, on the basis of an individual assessment, the minor’s marriage would not be in accordance with Gibraltar law had it been contracted in Gibraltar;”;

(k) after the definition of “Gibraltarian” insert–

““guardian” means a natural person or an organisation, including a public body, designated by the Authority to assist, represent and act on behalf of an unaccompanied minor, as applicable, in order to ensure that the unaccompanied minor can benefit from the rights and comply with the obligations under these Regulations, while safeguarding his best interests and general well-being;”;

(l) in the definition of “material reception conditions” for “food and clothing,” substitute “food, clothing and personal hygiene products;”;

(m) delete the definition of “Regulation 343/2003”;

(n) after the definition of “reporting requirement” insert the following definitions–

““representative” means a natural person or an organisation, including a public authority, appointed by the Authority, with the necessary skills and expertise, including with regard to the treatment and specific needs of minors, to represent, assist and act on behalf of an unaccompanied minor, as applicable, in order to safeguard the best interests and general well-being of that unaccompanied minor and so that the unaccompanied minor can benefit from the rights and comply with the obligations provided for in these Regulations;

“residence permit” means a residence permit issued under the Residency Regulations 2026;

“risk of absconding” means the existence of specific reasons and circumstances in an individual case, which are based on objective criteria, to believe that an applicant might abscond;

“social assistance” means benefits granted with the objective of ensuring that the basic needs of those who lack sufficient resources are met;

“social security” means the branches of social security benefits, if provided in Gibraltar and in accordance with applicable Gibraltar law, set out in Article 3(1) and (2) of Regulation (EC) No 883/2004 of the European Parliament and of the Council;”;

(o) after the definition of “subsidiary protection status” insert the following definitions–

““third country national” has the same meaning as in Article 26 of the Treaty on Gibraltar and the European Union;

“Treaty on Gibraltar and the European Union” has the same meaning as in section 5 of the Treaty on Gibraltar and the European Union Act 2026;”;

- (p) after the definition of “unaccompanied minor” insert the following definition—
 - ““withdrawal of international protection” means a decision by the Authority or a competent court or tribunal to revoke or end, including by refusing to renew, international protection;”;
- (q) delete subregulation (2).
- (3) After regulation 2 insert—
 - “Treaty on Gibraltar and the European Union.**
 - 2A. These Regulations are subject to section 50 (Applications for International Protection) of the Treaty on Gibraltar and the European Union Act 2026.”.
- (4) In regulation 3 for “persons who are not nationals of a member state of the European Union” substitute “third country nationals”.
- (5) In regulation 5(2)—
 - (a) in paragraph (a) for “asylum” substitute “international protection”;
 - (b) in paragraph (b) delete “under Regulation 343/2003” and for “.” substitute “;”;
 - (c) after paragraph (b) insert—
 - “(c) the person is subject to a return decision under Part VA of the Asylum (Procedures) Regulations 2012.”.
- (6) In regulation 6—
 - (a) in subregulation (1)(a) for “asylum” substitute “international protection”;
 - (b) in subregulation (2)(c) for “asylum” substitute “international protection”;
 - (c) in subregulation (3) for “asylum application” substitute “application for international protection”;
 - (d) in subregulation (4)(a) for “asylum” substitute “international protection”.
- (7) In regulation 7(1) for “asylum application” substitute “application for international protection”.
- (8) In regulation 8—
 - (a) in the title, for “**Asylum**” substitute “**International protection**”;

- (b) in subregulation (1)–
 - (i) for “asylum application” substitute “application for international protection”;
 - (ii) for “called an asylum” substitute “called an international protection”;
 - (c) in subregulation (2) delete “asylum”;
 - (d) in subregulation (3) for “asylum” substitute “international protection”.
- (9) In regulation 9–
- (a) in subregulation (1) for “15 days of the making of the application for asylum” substitute “3 days of the making of the application for international protection”;
 - (b) in subregulation (2)–
 - (i) after “in writing,” insert “in a concise, transparent, intelligible and easily accessible form using clear and plain language,”;
 - (ii) in paragraph (c)(i) for “asylum applicants” substitute “applicants for international protection”;
 - (c) in subregulation (3)–
 - (i) for “section” substitute “regulation”;
 - (ii) after “understand” insert “, or where appropriate, in a visual form such as by using videos or pictograms, and shall be adapted to the applicant’s needs”;
 - (d) after subregulation (3) insert–
 - “(4) In the case of an unaccompanied minor, the Authority shall provide the information referred to in subregulation (2) in an age-appropriate manner that ensures that the unaccompanied minor understands it, by using information materials specifically adapted to minors where appropriate and such information shall be provided in the presence of the representative of the unaccompanied minor or of the person suitable to provisionally act as a representative until the representative is appointed.
 - (5) In exceptional cases, the Authority may provide the information referred to in subregulation (2) to the applicant by means of an oral translation, or where appropriate in a visual form such as videos or pictograms, where–
 - (a) it is not able to provide that information in writing within the time limit set out in subregulation (1) because the language that an applicant

understands or is reasonably supposed to understand is a rare language;
and

(b) that applicant subsequently confirms that he understands that information provided.

(6) In cases referred to in subregulation (5), the Authority shall as soon as possible obtain a translation of the information referred to in subregulation (2) in writing and provide it to the applicant, except where it is clear that such provision is no longer needed.”.

(10) In regulation 10–

(a) in subregulation (1)–

(i) after “current address” insert “, telephone number and electronic mail address”;

(ii) for “change of address” substitute “change of such information”;

(b) in subregulation (3)(c) for “asylum” substitute “international protection”.

(11) In regulation 10A–

(a) in subregulation (1)(g) for “.” substitute “;”;

(b) after subregulation (1)(g) insert–

“(h) when the applicant is detained subject to a return procedure under Part VA of the Asylum (Procedures) Regulations 2012 in order to prepare the return, or carry out the removal process, and the Authority can substantiate on the basis of objective criteria, including that the applicant already had the opportunity to access the procedure for international protection, that there are reasonable grounds to believe that the applicant is making the application for international protection merely in order to delay or frustrate the enforcement of the return decision.”;

(c) in subregulation (2) for “(f)” substitute “(f) or (h)”.

(12) In regulation 10B–

(a) in subregulation (1) for “(e)” substitute “(e) or (h)”;

(b) in subregulation (2)–

(i) in paragraph (b) after “based” insert “as well as why less coercive alternative measures cannot be applied effectively”;

- (ii) in paragraph (c) after “decision” insert “as well as the possibility to request free legal assistance and representation”;

(c) after subregulation (4) insert–

- “(5) Without prejudice to subregulation (4), the Magistrates’ Court shall review the detention at reasonable intervals determined by the court, in particular where the circumstances set out in paragraphs (a) to (c) of subregulation (4) occur or when the detention involves an unaccompanied minor.”.

(13) After regulation 10B insert–

“Conditions of detention.

10C.(1) Where an applicant or dependant family member is to be detained under these Regulations in prison accommodation due to specialised detention facilities not being available, the applicant or dependant family member shall be kept separately from ordinary prisoners and as far as possible, from other third-country nationals who have not lodged an application for international protection.

(2) Detained applicants or dependant family members shall–

- (a) have access to open-air spaces;
- (b) have the possibility of communicating with relatives, legal advisers and representatives of the UNHCR and non-governmental organisations in conditions that respect privacy;
- (c) be provided with information that explains the rules applying in the facility and sets out the rights and obligations of those applicants in a language which they understand or are reasonably supposed to understand .

Detention of applicants with special reception needs.

10D.(1) Where the detention of applicants or dependant family members with special reception needs would put their physical and mental health at serious risk, those applicants or dependant family members shall not be detained.

(2) Where an applicant or a dependant family member with special reception needs is detained, the Authority shall ensure regular monitoring of, and the provision of timely and adequate support to, the applicant or the dependant family member, taking into account their particular situation, including their physical and mental health.

Detention – minors and families.

10E.(1) Subject to this regulation, minors shall not be detained and shall be placed in suitable accommodation in accordance with regulations 19 and 20.

(2) Subject to this regulation, adequate alternatives to detention shall be used for families with minors in accordance with the principle of family unity and such families shall be placed in accommodation suitable for them.

(3) In exceptional circumstances, as a measure of last resort and after it has been established that other less coercive alternative measures cannot be applied effectively, and after detention is assessed to be in their best interests in accordance with regulation 19, minors may be detained—

- (a) in the case of unaccompanied minors, where the minor's parent or primary care-giver is detained; or
- (b) in the case of unaccompanied minors, where detention safeguards the minor.

(4) The detention of minors under this regulation shall—

- (a) be for the shortest possible period of time;
- (b) not be carried out in a prison or another facility used for law enforcement purposes;
- (c) be subject to efforts to release minors from detention and place them in accommodation suitable for minors.

(5) Where minors are detained—

- (a) they shall have the right to education in accordance with regulation 17, unless the provision of education is of limited value to them due to the very short period of their detention;
- (b) they shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age.

(6) Where unaccompanied minors are detained, they shall be accommodated in facilities adapted to the housing of unaccompanied minors and such facilities shall be provided with staff qualified to safeguard the rights of unaccompanied minors and attend their needs.

(7) Where unaccompanied minors are detained, the Authority shall ensure that they are accommodated separately from adults.

(8) Detained families shall be provided with separate accommodation that guarantees adequate privacy and detained families shall be accommodated in facilities adapted to the needs of minors.

(9) The Authority shall ensure that male and female applicants are accommodated separately, unless those detained applicants are family members and all individuals concerned consent to be accommodated together.

(10) Where the applicant is detained at a border post or in a transit zone, the Authority may derogate from subregulation (6), (8) and (9) in duly justified cases for a reasonable period of time that shall be as short as possible and only in exceptional situations.”.

(14) In regulation 12–

- (a) in subregulation (1) for “asylum” substitute “international protection”;
- (b) in subregulation (5) after “members” insert “and the applicant may be required to cover or contribute to the cost of the material reception conditions where the applicant has sufficient means to do so”;
- (c) after subregulation (5) insert–
 - “(6) If it transpires that an applicant had sufficient means to cover the costs of the material reception conditions received in accordance with this regulation at the time the applicant was provided with an adequate standard of living, the applicant may be required to refund the costs of those material reception conditions.
 - (7) When assessing the resources of an applicant, when requiring an applicant to cover or contribute to the cost of the material reception conditions or when requiring an applicant to refund costs in accordance with this regulation, the principle of proportionality shall be respected and the individual circumstances of the applicant and the need to respect the applicant’s dignity or personal integrity, including any special reception needs, shall be respected.
 - (8) Where material reception conditions in the form of financial allowances or vouchers are provided, the amount thereof shall ensure an adequate standard of living and applicants may receive less favourable treatment to Gibraltarians, in particular where material support is fully or partially provided in kind or where those levels applied for Gibraltarians aim to ensure a standard of living higher than that required by these Regulations.
 - (9) Persons providing material reception conditions shall be adequately trained and shall be subject to a legal requirement of confidentiality in relation to any information they obtain in the course of their work.”.

(15) In regulation 13–

- (a) in subregulation (2)–
 - (i) in paragraph (ii) for “.” substitute “;”;

- (ii) after paragraph (ii) insert—
 - “(iii) guarantees protection of the applicant’s family life;
 - (iv) is appropriate considering gender and age-specific concerns of the applicant and the situation of applicants with special reception needs;”;
- (b) after subregulation (2) insert—
 - “(2A) When providing housing under this regulation, appropriate measures shall be taken to ensure, as far as possible, the prevention of assault and violence, including violence committed with a sexual, gender, racist or religious motive.
 - (2B) Where female applicants are placed in accommodation centres, separate sanitary facilities and a safe place in those centres for them and their minor children shall be provided.
 - (2C) Transfers of applicants from one housing facility to another shall only take place when necessary and applicants shall have the possibility to inform their legal advisors or counsellors of the transfer and of their new address.”;
- (c) in subregulation (5)(b) after “residents” insert “and may be allowed to perform voluntary work outside the accommodation centre subject to any conditions that may be prescribed”;
- (d) after subregulation (6) insert—
 - “(7) In duly justified cases and for a reasonable period of time which shall be as short as possible, material reception conditions relating to housing may be exceptionally provided that are different to those provided in this regulation where –
 - (a) an assessment of special reception needs of the applicant is required, in accordance with regulation 20B;
 - (b) housing capacities normally available are temporarily exhausted or, due to a disproportionate number of persons to be accommodated or a man-made or natural disaster, housing capacities normally available are temporarily unavailable.
 - (8) Different material reception conditions referred to in subregulation (7) shall in any event ensure access to healthcare and a standard of living for all applicants in accordance with domestic and international obligations.”.

(16) In regulation 16–

(a) in subregulation (1) for “and essential treatment of illness in Gibraltar from the Gibraltar Health Authority” substitute “, essential treatment of illness and treatment for mental disorders and sexual and reproductive health in Gibraltar from the Gibraltar Health Authority, including from specialist practitioners where necessary”;

(b) after subregulation (2) insert–

“(2A) Minor children of applicants and applicants who are minors shall receive the same type of health care as provided to minor Gibraltarians in Gibraltar and specific treatment provided in accordance with this regulation which started before the minor reached the age of majority and is considered to be necessary shall be received without interruption or delay after the minor reaches the age of majority.

(2B) Where needed for medical reasons, necessary medical or other assistance, such as necessary rehabilitation and assistive medical devices, shall be provided to applicants who have special reception needs, including appropriate mental health care.”;

(c) after subregulation (4) insert–

“(5) The Government shall ensure that persons who have been subjected to trafficking in human beings, torture, rape or other acts of psychological, physical or sexual violence, including violence committed with a sexual, gender, racist or religious motive, are provided with necessary medical and psychological treatment and care, including rehabilitation services and counselling where necessary, for the damage caused by such acts and those persons shall be provided, where needed, with an oral translation.

(6) Access to the treatment and care described in subregulation (5) shall be provided as early as possible after those needs have been identified.

(7) Those working with the persons referred to in subregulation (5), including health professionals, shall be appropriately trained and continue to receive appropriate training concerning those persons’ needs and appropriate treatments, including necessary rehabilitation services and shall be bound by a legal requirement of confidentiality and applicable professional ethics codes in relation to any information they obtain in the course of their work.”.

(17) In regulation 17 after subregulation (2) insert–

“(3) Access to education shall be granted as soon as possible and shall not be postponed for more than two months from the date on which the application for international protection was lodged, taking into account school holidays.

(4) As a temporary measure and for a maximum period of one month, education may be provided outside the general education system.

(5) Preparatory classes, including language classes, shall be provided to minors where it is necessary to facilitate their access to and participation in the general education system.

(6) Where access to the general education system is not possible due to the specific situation of the minor, other education arrangements may be offered.”.

(18) In regulation 18–

(a) in subregulation (1)–

- (i) in paragraph (a) for “asylum within 12” substitute “international protection within 6”;
- (ii) in paragraph (b) for “asylum” substitute “international protection” on both occasions the word appears and for “12” substitute “6”;

(b) in subregulation (5)–

- (i) in paragraph (b) for “.” substitute “;”;
- (ii) after paragraph (b) insert–
 - “(c) language courses and civic education courses considered appropriate in order to help enhance an applicant’s ability to act autonomously, to interact with competent authorities or to find employment (the cost of which shall be covered, fully or partly, by the applicant if the applicant has sufficient means).”;

(c) after subregulation (5) insert–

- “(6) Where the Authority has prioritised or accelerated the examination on the merits of an application for international protection in accordance with regulation 20(5) or (6) of the Asylum (Procedures) Regulations 2012, access to the labour market shall not be granted or, if already granted, shall be withdrawn.
- (7) Applicants who have access to the labour market in accordance with this regulation shall enjoy equal treatment as regards–
 - (a) terms of employment, the minimum working age and working conditions, including pay and dismissal, working hours, leave and holidays, as well as health and safety requirements at the workplace;

- (b) freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations, without prejudice to domestic laws on public policy and public security;
 - (c) education and vocational training, including training courses for improving skills, practical workplace experience and employment guidance services;
 - (d) recognition of diplomas, certificates and other evidence of formal qualifications in the context of existing procedures for recognition of foreign qualifications; and
 - (e) access to appropriate schemes for the assessment, validation and recognition of applicants' prior learning outcomes and experience.
- (8) Equal treatment may be restricted for applicants who have access to the labour market under this regulation–
- (a) as regards subregulation (7)(b), by excluding them from taking part in the management of bodies governed by public law and from holding an office governed by public law;
 - (b) as regards subregulation (7)(c), by excluding–
 - (i) grants and loans related to education and vocational training and the payment of fees with regard to access to university or post-secondary education; and
 - (ii) education and vocational training which is not provided within the framework of an existing employment contract, including where provided for employment promotion purposes;
 - (c) as regards subregulation (7)(d) or (e), by not granting equal treatment for at least 3 months from the date on which the application for international protection was registered.
- (9) The right to equal treatment pursuant to this regulation shall not give rise to a right to reside in cases where a decision taken in accordance with these Regulations has terminated the applicant's right to remain.
- (10) For the purposes of subregulation (7)(d) full access to existing procedures for the recognition of foreign qualifications shall be facilitated for applicants who cannot provide documentary evidence of their qualifications.

- (11) Access to the labour market shall not be withdrawn during an appeal procedure where the applicant has a right to remain in Gibraltar during that procedure and until a negative decision on the appeal is notified.”.

(19) In regulation 19–

- (a) in subregulation (1) after “minor” insert “and the Authority shall ensure a standard of living adequate for the minor’s physical, mental, spiritual, moral and social development”;

- (b) after subregulation (3) insert–

- “(3) In assessing the best interests of the child, the Authority shall in particular take due account of the following factors–

- (a) family reunification possibilities;
- (b) the minor’s well-being and social development, taking into particular consideration the minor’s background and the need for stability and continuity in care;
- (c) safety and security considerations, in particular where there is a risk of the minor being a victim of any form of violence or exploitation, including trafficking in human beings;
- (d) the views of the minor in accordance with his age and maturity.

- (4) The Government shall ensure–

- (a) that minors have access to leisure activities, including play and recreational activities appropriate to their age and to open-air activities within the premises and accommodation centres referred to in regulation 13, as well as to school materials where needed;
- (b) that minor children of applicants or applicants who are minors are accommodated with their parents or with the adult responsible for them and their unmarried minor siblings, provided it is in the best interests of the minors concerned.

- (5) Persons working with minors, including representatives and persons suitable to provisionally act as representatives, shall not have a record of child-related crimes or offences, or of crimes or offences that lead to serious doubts about their ability to assume a role of responsibility with regard to minors, shall receive initial and continuous appropriate training concerning the rights and needs of minors, including those relating to any applicable child safeguarding standards, and shall be bound a legal requirement of confidentiality in relation to any information they obtain in the course of their work.”.

(20) In regulation 20–

(a) in subregulation (1)–

- (i) after “possible” insert “and no later than 15 working days from the date on which an application is made”;
- (ii) in paragraph (b) for “Social Services Agency” substitute “Care Agency”;
- (iii) in paragraph (c) after “representative” insert “or person suitable to provisionally act as a representative”;

(b) after subregulation (1) insert–

- “(1A) The representative referred to in subregulation (1) shall meet with the unaccompanied minor and take into account the minor’s own views about his needs.
- (1B) Where the Authority has assessed that an applicant who claims to be a minor is without any doubt above the age of 18 years, the Authority need not appoint a representative in accordance with subregulation (1).
- (1C) The Government shall include in any contingency plans the appointment of representatives in accordance with this regulation in cases where they are confronted with a disproportionate number of applications made by unaccompanied minors.
- (1D) Where the implementation of measures referred to in subregulation (1C) is insufficient in order to respond to a disproportionate number of applications made by unaccompanied minors, or in other exceptional situations, the appointment of representatives may be delayed for ten working days and the number of unaccompanied minors per representative may be increased, up to a maximum of 50 unaccompanied minors.
- (1E) The duties of the representative referred to in subregulation (1) shall cease where the Authority, following the age assessment referred to in regulation 15B of the Asylum (Procedures) Regulations 2012, do not assume that the applicant is a minor or consider that the applicant is not a minor, or where the applicant is no longer an unaccompanied minor.
- (1F) The Authority shall ensure that the representative referred to in subregulation (1) is immediately informed when an application for international protection is made by an unaccompanied minor of any relevant facts pertaining to the minor and persons whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be so designated.

- (1G) An unaccompanied minor shall be immediately informed that a person suitable to provisionally act as a representative has been designated.
- (1H) Where an organisation is appointed as a representative under subregulation (1), it shall appoint a natural person to carry out the tasks of the representative in respect of the unaccompanied minor in accordance with these Regulations.
- (1I) The Authority shall immediately inform–
 - (a) the unaccompanied minor that a representative has been appointed for him and how to lodge a complaint against that representative in confidence and safety in an age-appropriate manner and in a manner that ensures that the minor understands that information;
 - (b) any authority responsible for providing reception conditions that a representative has been appointed for the unaccompanied minor; and
 - (c) the representative of relevant facts pertaining to the unaccompanied minor.
- (1J) The representative referred to in subregulation (1) shall be changed only where necessary, in particular when the Authority considers that that representative or person has not performed his tasks adequately and organisations or natural persons whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as a representative.
- (1K) A natural person shall be appointed as a representative in charge of a proportionate and limited number of unaccompanied minors and, under normal circumstances, of no more than 30 unaccompanied minors at the same time, in order to ensure that that person is able to perform tasks effectively.
- (1L) The Government shall ensure that an entity is designated to supervise the proper performance of tasks by the representatives, including by reviewing the criminal records of those appointed representatives and designated persons at regular intervals in order to identify potential incompatibilities with their role and such entity shall review complaints lodged by unaccompanied minors against their appointed representatives or designated persons.”;
- (c) in subregulation (3) for “asylum” substitute “international protection” on every occasion the word appears.
- (21) After regulation 20 insert–

“Applicants with special reception needs.

20A.(1) The Authority shall take into account the specific situation of applicants with special reception needs.

(2) The Authority shall take into consideration the fact that certain applicants such as those falling within any of the following categories, are more likely to have special reception needs—

- (a) minors;
- (b) unaccompanied minors;
- (c) persons with disabilities;
- (d) elderly persons;
- (e) pregnant women;
- (f) lesbian, gay, bisexual, trans and intersex persons;
- (g) single parents with minor children;
- (h) victims of trafficking in human beings;
- (i) persons with serious illnesses;
- (j) persons with mental disorders including post-traumatic stress disorder;
- (k) persons who have been subject to torture, rape or other serious forms of psychological, physical or sexual violence, for example victims of gender-based violence, of female genital mutilation, of child or forced marriage, or violence committed with a sexual, gender, racist or religious motive.

Assessment of special reception needs.

20B.(1) In order to effectively implement regulation 20A, the Authority shall, as early as possible after an application for international protection is made, individually assess whether the applicant has special reception needs, using oral translation where necessary.

(2) The assessment referred to in subregulation (1) shall be initiated by identifying special reception needs based on visible signs or on the applicant’s statements or behaviour or, where applicable, statements of the parents or the representative of the applicant.

- (3) The assessment referred to in subregulation (1) shall be completed within 30 days from the making of the application for international protection or, where it is integrated into the assessment referred to in regulation 14B of the Asylum (Procedures) Regulations 2012, within the timeframe set out in that regulation, and the special reception needs identified on the basis of such assessment shall be addressed.
- (4) Where special reception needs become apparent at a later stage in the procedure for international protection, the Authority shall assess and address those needs.
- (5) The Authority shall ensure that the support provided to applicants with special reception needs in accordance with these Regulations takes into account their special reception needs throughout the duration of the procedure for international protection and shall provide for appropriate monitoring of their situation.
- (6) For the purposes of this regulation, the Authority shall ensure that the staff assessing special reception needs—
- (a) are trained and continue to be trained to detect signs that an applicant has special reception needs and to address those needs when identified;
 - (b) include information concerning the nature of the applicant's special reception needs in the applicant's file held by the Authority, together with a description of the visible signs or the applicant's statements or behaviour relevant for the assessment of the applicant's special reception needs as well as the measures that have been identified to address those needs and those responsible for addressing those needs; and
 - (c) subject to prior consent, refer applicants to the appropriate medical practitioner or psychologist for further assessment of their psychological and physical state where there are indications that their mental or physical health could affect their reception needs; where necessary, oral translation shall be provided by professionals trained in translation to ensure that the applicant is able to communicate with medical staff; where the lack of such trained professionals would risk delaying the treatment, oral translation may be provided by other adult individuals, subject to the applicant's consent.
- (7) The Authority shall take into account the result of the assessment referred to in subregulation (6)(c) when deciding on the type of special reception support which may be provided to the applicant.
- (8) Only applicants with special reception needs may benefit from the specific support provided under these Regulations.
- (9) The assessment provided for in subregulation (1) shall be without prejudice to the assessment of international protection needs pursuant to these Regulations.”.

(22) In regulation 21–

(a) in subregulation (1)–

- (i) for “(5)” substitute “(5) and (6)”;
- (ii) in paragraph (a)(ii) for “asylum” substitute “international protection”;
- (iii) after paragraph (a)(ii) insert–
 - “(iii) does not cooperate with the Authority, or does not comply with the procedural requirements established by them;
- (iv) has lodged a subsequent application;
- (v) has seriously or repeatedly breached the rules of the accommodation centre or other accommodation the applicant is housed in under these Regulations or has behaved in a violent or threatening manner in the accommodation centre or other accommodation;
- (vi) fails to participate in compulsory integration measures, where provided or facilitated, unless there are circumstances beyond the applicant’s control;”;

(b) after subregulation (1) insert–

“(1A) Where a decision is taken in a situation referred to in subregulation (1)(a)(i), (ii), (iii) or (vi), and the circumstances on which that decision was based cease to exist, the Authority shall consider whether some or all of the material reception conditions withdrawn or reduced may be reinstated and where not all material reception conditions are reinstated, the Authority shall take a duly justified decision and notify it to the applicant.”;

(c) in subregulation (3) for “competent authority” substitute “Authority”;

(d) after subregulation (5) insert–

“(6) The Authority shall ensure that material reception conditions are not withdrawn or reduced before a decision is taken in a situation referred to in subregulation (1).”.

(23) In regulation 22 for “Asylum” substitute “International protection”.

(24) In regulation 23(3)(a)(iii) for “asylum” substitute “international protection”.

(25) In the title for Part IV for “**Refugee and Subsidiary Protection Status**” substitute “**International Protection**”.

(26) In regulation 25–

- (a) in the opening paragraph for “asylum” substitute “international protection”;
- (b) in paragraph (a) for “asylum” substitute “international protection”;
- (c) in paragraph (d) for “asylum application” substitute “application for international protection”;
- (d) in paragraph (e) delete “and”;
- (e) in paragraph (f) for “.” substitute “; and”;
- (f) after paragraph (f) insert–

“(g) the results of any relevant resettlement or humanitarian admission procedure.”.

(27) In regulation 26–

- (a) in subregulation (1) for “asylum” substitute “international protection”;
- (b) in subregulation (2)–
 - (i) in the opening paragraph for “asylum” substitute “international protection”;
 - (ii) in paragraph (e) for “asylum” substitute “international protection”;
- (c) in subregulation (4)–
 - (i) in paragraph (d) for “asylum” substitute “international protection”;
 - (ii) in paragraph (e) after “established” insert “, taking into account, inter alia, the time at which the applicant applied for international protection”.

(28) After regulation 26 insert–

“Internal protection alternative.

26A.(1) Where the State or agents of the State are not the actors of persecution or serious harm, the Authority shall examine, as part of the assessment of the application for international protection, whether an applicant is not in need of international protection because the applicant can safely and legally travel to and gain admittance to a part of the country of origin and can reasonably be expected to settle there and whether, in that part of the country, the applicant–

- (a) has no well-founded fear of being persecuted or does not face a real risk of suffering serious harm; or
 - (b) has access to effective and non-temporary protection against persecution or serious harm.
- (2) Where the State or agents of the State are the actors of persecution or serious harm, the Authority shall presume that effective protection is not available to the applicant and no examination as referred to in subregulation (1) need be carried out.
- (3) The Authority may only carry out an examination as referred to in subregulation (1) where it is clearly established that the risk of persecution or serious harm stems from an actor whose power is clearly limited to a specific geographical area or where the State itself only has control over certain parts of the country.
- (4) The Authority shall carry out an examination as referred to in subregulation (1) once it has established that the qualification criteria set out in these Regulations would otherwise apply to an applicant and the burden of demonstrating that an internal protection alternative is available to the applicant shall fall on the Authority.
- (5) The applicant shall be entitled to present evidence and submit any element which indicates that such an alternative is not available to him and the Authority shall take into account the evidence presented and elements submitted by the applicant.
- (6) In examining whether an applicant has a well-founded fear of being persecuted or faces a real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin concerned in accordance with subregulation (1), the Authority shall, at the time of taking the decision on the application for international protection, have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant set out in regulation 26 and to that end, the Authority shall take into account precise and up-to-date information obtained from relevant and available national and international sources.
- (7) For the purposes of subregulation (1), the Authority shall take into account–
 - (a) the general circumstances prevailing in the relevant part of the country of origin, including the accessibility, effectiveness and durability of the protection;
 - (b) the personal circumstances of the applicant in relation to factors such as health, age, gender, including gender identity, sexual orientation, ethnic origin and membership of a national minority; and
 - (c) whether the applicant would be able to cater for his own basic needs.

(8) Where the applicant is an unaccompanied minor, the Authority shall take into account the best interests of the minor and, in particular, the availability of sustainable and appropriate care and custodial arrangements.”.

(29) In regulation 28–

- (a) renumber “28” as “28.(1)”;
- (b) after “convictions” insert “, beliefs”;
- (c) after subregulation (1)–

“(2) Where the risk of persecution or serious harm is based on circumstances which the applicant has created since leaving the country of origin for the sole or main purpose of creating the necessary conditions for applying for international protection, the Authority may refuse to grant international protection.”.

(30) In regulation 30(4) for “any guidance which may be provided in relevant European Council acts” substitute “precise and up-to-date information on countries of origin obtained from relevant and available national and international sources”.

(31) After regulation 31(4) insert–

“(5) When assessing if an applicant has a well-founded fear of being persecuted, the Authority cannot reasonably expect that applicant to adapt or change his behaviour, convictions or identity, or to abstain from certain practices, where such behaviour, conviction or practices are inherent to his identity, to avoid the risk of persecution in his country of origin.”.

(32) In regulation 32(1)–

- (a) in paragraph (a) delete “and”;
- (b) in paragraph (b) for “.” substitute “; and”;
- (c) after paragraph (b) insert–

“(c) has access to effective and non-temporary protection against persecution or serious harm.”.

(33) After regulation 33(3) insert–

“(4) Once the Authority has established, based on an assessment of the seriousness of the crimes or acts committed by the person concerned and of that person’s individual responsibility, taking into account all the circumstances surrounding those crimes or acts and the situation of that person, that one or more of the relevant exclusion grounds laid down in subregulation (2) or (3) apply, the Authority shall

exclude the applicant from refugee status without performing a proportionality assessment linked to the fear of being persecuted.

- (5) As part of the assessment referred to in subregulation (4), when carrying out an examination under subregulation (2) and (3) in relation to a minor, the Authority shall take into account, inter alia, the minor's capacity to be considered responsible under criminal law had the minor committed the crime in Gibraltar in accordance with the age of criminal responsibility.”.

(34) After regulation 34(2) insert—

“(3) Subregulations (1)(e) and (1)(f) shall not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.

(4) In order to assess whether subregulations (1)(e) and (1)(f) apply, the Authority shall—

- (a) take into account precise and up-to-date information obtained from relevant and available national and international sources;
- (b) have regard to whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of being persecuted can no longer be regarded as well-founded.”.

(35) After regulation 40(3) insert—

“(4) Once the Authority has established, based on an assessment of the seriousness of the crimes or acts committed by the person concerned and of that person's individual responsibility, taking into account all the circumstances surrounding those crimes or acts and the situation of that person, that one or more of the relevant exclusion grounds laid down in subregulation (1) or (2) apply, the Authority shall exclude the applicant from subsidiary protection status without performing the proportionality assessment linked to the fear of serious harm.

(5) As part of the assessment referred to in subregulation (4), when carrying out an examination under subregulation (1) or (2) in relation to a minor, the Authority shall take into account, inter alia, the minor's capacity to be considered responsible under criminal law had the minor committed the crime in Gibraltar in accordance with the age of criminal responsibility or, where applicable, a conviction for a serious crime after the minor's arrival.”.

(36) After regulation 41(2) insert—

“(3) In order to assess whether the circumstances which led to the granting of subsidiary protection status have ceased to exist or have changed to such a degree that protection is no longer required, the Authority shall—

- (a) take into account precise and up-to-date information obtained from relevant and available national and international sources;
 - (b) have regard to whether the change in circumstances is of such a significant and non-temporary nature that the beneficiary of subsidiary protection status no longer faces a real risk of serious harm.
 - (4) Subregulation (1) shall not apply to a beneficiary of subsidiary protection status who is able to invoke compelling reasons arising out of previous serious harm for refusing to avail himself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.”.
- (37) After regulation 44(6) insert—
- “(7) The Authority shall, on an individual basis, demonstrate that the beneficiary of the refugee status has ceased to be a refugee, or should have never been granted refugee status or should no longer be a beneficiary of refugee status for reasons set out in this regulation and during the withdrawal procedure, regulation 30 of the Asylum (Procedures) Regulations 2012 shall apply.”.
- (38) After regulation 45(4)–
- “(5) The Authority shall, on an individual basis, demonstrate that the beneficiary of the subsidiary protection status has ceased to be eligible for subsidiary protection, or should have never been granted subsidiary protection status or should no longer be a beneficiary of subsidiary protection status for reasons set out in this regulation and during the withdrawal procedure, regulation 30 of the Asylum (Procedures) Regulations 2012 shall apply.”.
- (39) In regulation 46–
- (a) after subregulation (1) insert—

“(1A) Beneficiaries of international protection shall have access to rights provided in accordance with this Part once international protection is granted and for as long as refugee status or subsidiary protection status is held.”;
 - (b) in subregulation (2) for “minor children” substitute “minor or adult dependant children, a victim of trafficking in human beings, a person with a serious illness, a person with a mental disorder”.
- (40) In regulation 47(2)–
- (a) in paragraph (a) delete “or”;
 - (b) in paragraph (b) for “.” substitute “; or”;

(c) after paragraph (b) insert–

“(c) that person is subject to a return decision in accordance with Part VA of the Asylum (Procedures) Regulations 2012.”.

(41) In regulation 48(2) after “understand” insert “and shall contain the information set out in the Schedule”.

(42) After regulation 49(7) insert–

“(8) Where a residence permit is not issued to a beneficiary of international protection within 15 days of the granting of international protection, the Authority shall take provisional measures, such as the registration or the issuance of a document, to ensure that the beneficiary has effective access to the rights laid down in this Part, until such time as a residence permit is issued.”.

(43) In regulation 50–

(a) in subregulation (1) for “for the purpose of travel outside Gibraltar” substitute “and which comply with minimum standards for security features and biometrics, for the purpose of travel outside Gibraltar and such travel documents shall be valid for more than one year.”;

(b) in subregulation (2)–

(i) after “with documents” insert “with the minimum standards for security features and biometrics”;

(ii) after “territory outside of Gibraltar” insert “and such travel documents shall be valid for more than a year”.

(44) After regulation 51(3) insert–

“(4) The persons listed in subregulation (1) shall enjoy equal treatment with Gibraltarians as regards–

(a) terms of employment, including the minimum working age, and working conditions, including pay and dismissal, working hours, leave and holidays, and health and safety requirements at the workplace;

(b) freedom of expression and affiliation, and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the rights and benefits conferred by such organisations;

- (c) employment-related educational opportunities for adults, vocational training, including training courses for upgrading skills and practical workplace experience;
 - (d) information and counselling services offered by employment offices.
 - (5) Where necessary, the Government shall facilitate full access to the activities referred to in subregulation (4)(c) and (d).”.
- (45) In regulation 52–
- (a) after subregulation (1) insert–
 - “(1A) The persons listed in subregulation (1) shall continue to enjoy equal treatment with Gibraltarians for the completion of secondary education irrespective of whether they reach the age of majority.”;
 - (b) in subregulation (3) after “Gibraltarians” insert “and the Government shall facilitate access to procedures recognising such qualifications for persons listed in subregulation (1) who cannot provide documentary evidence of their qualifications”;
 - (c) after subregulation (3) insert–
 - “(4) Notwithstanding subregulation (1), the Government may refuse grants and loans to adults granted refugee or subsidiary protection status in accordance with Gibraltar law.
 - (5) The persons listed in subregulation (1) shall enjoy equal treatment with Gibraltarians as regards access to appropriate schemes for the assessment, validation and recognition of their prior learning outcomes and experience.”.
- (46) In regulation 53–
- (a) in the title after “**Social**” insert “**Security and Social**”;
 - (b) in subregulation (2) for “social assistance, including the Social Assistance Fund” substitute “social security and social assistance, including the Social Assistance Fund and shall enjoy equal treatment”;
 - (c) after subregulation (2) insert–
 - “(3) Access to certain forms of social assistance for persons listed in subregulation (1) may be made conditional on the effective participation of such persons in integration measures, where participation in such measures is compulsory, provided that they are accessible free of charge.

- (4) Notwithstanding subregulation (1), the provision of equal treatment as regards social assistance may be limited to core benefits where that possibility is provided for under Gibraltar law and core benefits shall include at least the following—
- (a) minimum income support;
 - (b) assistance in the case of illness or pregnancy;
 - (c) parental assistance, including child-care assistance; and
 - (d) housing benefits, in so far as those benefits are granted to Gibraltarians under Gibraltar law.”.

(47) In regulation 55—

(a) after subregulation (2) insert—

“(2A) With a view to safeguarding the best interests of the child and the unaccompanied minor’s general well-being, the guardian shall—

- (a) ensure that the unaccompanied minor has access to all rights stemming from these Regulations;
- (b) assist and, where applicable, represent the unaccompanied minor in the event that the unaccompanied minor’s refugee or subsidiary protection status is withdrawn; and
- (c) where applicable, assist in the tracing of family as provided for in subregulation (6).”;

(b) in subregulation (3) for “Unaccompanied” substitute “While taking into account the best interests of the child, unaccompanied”;

(c) after subregulation (6) insert—

“(6A) Where the tracing of family members of an unaccompanied minor started before that minor was granted refugee or subsidiary protection status, it shall continue after the granting of such status.”;

(d) in subregulation (7)—

- (i) in paragraph (a) after “receive” insert “continuous” and after “minors” insert “, including those relating to any applicable child safeguarding standards” and delete “and”;
- (ii) in paragraph (b) for “.” substitute “; and”;

(iii) after paragraph (b) insert–

“(c) shall not have a verified record of child-related crimes and offences or of crimes and offences that lead to serious doubts about their ability to assume a role of responsibility with regard to children.”;

(e) after subregulation (7) insert–

“(8) Organisations or natural persons whose interests conflict or could potentially conflict with those of an unaccompanied minor shall not be eligible for appointment as the guardian of that minor.

(9) Where an organisation is appointed as guardian, it shall as soon as possible designate a natural person responsible for carrying out the duties of guardian in respect of the unaccompanied minor in accordance with these Regulations.

(10) The Authority shall appoint each guardian to represent a proportionate and sufficiently limited number of unaccompanied minors in order to ensure that guardians are able to perform their tasks effectively and that unaccompanied minors have effective access to their rights and benefits.

(11) The Government shall ensure that there are entities or persons responsible for supervising and monitoring guardians on an ongoing basis in order to ensure that they perform their tasks in a satisfactory manner and such entities or persons shall review the performance of guardians, in particular where there are indications that guardians are not performing their tasks in a satisfactory manner and shall examine, without delay, any complaints lodged by unaccompanied minors against their guardians.

(12) Where necessary, the Authority shall replace a person acting as a guardian, in particular where they consider that that person has not adequately performed his tasks and shall explain to the unaccompanied minors, in an age-appropriate manner and in such a way as to ensure that the minors understand, how to lodge a complaint against their guardians in confidence and safety.”.

(48) After regulation 55 insert–

“Access to accommodation.

55A.(1) Persons granted refugee or subsidiary protection status and their dependant family members shall have access to accommodation under conditions at least equivalent to those applicable to other third-country nationals legally resident in Gibraltar who are generally in the same circumstances.

(2) The persons referred to in subregulation (1) shall be treated equally unless different treatment is objectively justified and any national practices for the dispersal of

such persons shall ensure equal opportunities regarding access to accommodation.”.

(49) In regulation 56–

(a) renumber “56” as “56.(1)”;

(b) after subregulation (1) insert–

“(2) The programmes referred to in subregulation (1) shall take into account the specific needs of those persons as considered appropriate, in particular in relation to language courses, civic orientation, integration and vocational training.

(3) The persons referred to in subregulation (1) shall participate in integration measures where participation is made compulsory and such measures shall be accessible and free of charge, subject to subregulation (4).

(4) The Government may apply a fee for certain compulsory integration measures where the person referred to in subregulation (1) has sufficient means and where such fees do not place an unreasonable burden on the person.

(5) The Government shall not apply sanctions against the persons referred to in subregulation (1) where they are unable to participate in integration measures due to circumstances beyond their control.”.

(50) In regulation 58–

(a) in the title after “**Staff**” insert “**and resources**”;

(b) renumber “58” as “58.(1)”;

(c) in subregulation (1)(b) for “refugees, persons with subsidiary protection status” substitute “applicants for and holders of refugee and subsidiary protection status”;

(d) after subregulation (1) insert–

“(2) The Government shall allocate the necessary resources, including the necessary staff, translators and interpreters, for the implementation of these Regulations, taking into account seasonal fluctuations in the number of applicants.”.

(51) Delete regulation 59.

(52) In regulation 60–

(a) in subregulation (1) for “asylum” substitute “international protection”;

(b) delete subregulation (2).

(53) Insert the following Schedule–

“SCHEDULE

Regulation 48

As soon as possible after refugee or subsidiary protection is granted, the following information shall be provided, as a minimum, to beneficiaries of international protection regarding their rights and obligations relating to their refugee or subsidiary protection status. Where necessary, the information may be provided by different authorities, service providers or relevant contact points.

1. Information on rights and obligations related to residence and stay –
 - (a) right to a residence permit and how and where to apply for a residence permit and information on the Authority or relevant contact point;
 - (b) right to a residence permit for family members –
 - (i) how and where to apply for a residence permit and information on the Authority or relevant contact point;
 - (ii) information on the rights to which family members who are issued a residence permit are entitled;
 - (c) right to claim a travel document and how and where to apply for one and information on the Authority or relevant contact point;
 - (d) right to freedom of movement within Gibraltar and possible restrictions on that movement and information on the Authority or relevant contact point;
 - (e) movement in the territory of the Member States.
2. Information on rights related to integration –
 - (a) right to access employment –
 - (i) administrative requirements for accessing employment or self-employed activities;
 - (ii) where applicable, the restrictions related to employment in the public service;
 - (iii) the relevant employment office or contact point for additional information;

- (b) right to access education for minors –
 - (i) minimum age for compulsory schooling;
 - (ii) where applicable, administrative requirements for accessing the education system;
- (c) right to access the general education system for adults and the requirements, including administrative requirements, for accessing the general education system;
- (d) right to access procedures for the recognition of qualifications and the validation of skills, including relevant authorities and contact points for the provision of information on regulated professions exercisable only after formal recognition of qualification and the administrative procedures to be carried out for such recognition;
- (e) information on appropriate schemes for assessing, validating and recognising prior learning outcomes and experience and where applicable, information on such schemes and a relevant contact point for further information;
- (f) right to social security and a relevant contact point for further information;
- (g) right to social assistance –
 - (i) where applicable, a list of benefits which are not provided to beneficiaries of refugee or subsidiary protection status;
 - (ii) a relevant contact point for further information;
- (h) right to healthcare –
 - (i) general information on the conditions for access to healthcare;
 - (ii) where applicable, a contact point for services available to victims of abuse, exploitation, torture or cruel, inhuman and degrading treatment;
- (i) right to access accommodation –
 - (i) where applicable, basic information on available social housing schemes;
 - (ii) where applicable, residency requirements in the framework of dispersal practices;
 - (iii) the relevant authority or contact point for further information;

- (j) right to access integration measures considered appropriate, subject to compulsory participation where applicable –
 - (i) where applicable, information on compulsory integration schemes;
 - (ii) a relevant contact point for further information.
- 3. Information on specific rights for unaccompanied minors –
 - (a) information on the right to a guardian and the guardian’s duties;
 - (b) the details for lodging a complaint against a guardian.”.

Amendment of the Asylum (Procedures) Regulations 2012.

4.(1) The Asylum (Procedures) Regulations 2012 are amended in accordance with this regulation.

(2) In regulation 2 –

- (a) for the definition of “application for asylum” substitute –
 - ““application for international protection” or “application” means a request by a person which can be understood as a request to be seeking refugee status or subsidiary protection status under these Regulations or the Asylum Regulations 2008;”;
- (b) delete the definition of “Directive”;
- (c) after the definition of “Geneva Convention” insert the following definition –
 - ““international protection” means refugee or subsidiary protection status;”;
- (d) after the definition of “Minister” insert the following definition –
 - ““minor” means a third country national or stateless person below the age of 18 years;”;
- (e) in the definition of “remain in Gibraltar” for “asylum” substitute “international protection”;
- (f) in the definition of “safe country of origin” delete “Articles 29, 30 and 31 of the Directive and”;
- (g) after the definition of “safe country of origin” insert the following definitions –
 - ““subsequent application” means a further application for international protection made in Gibraltar or a Member State after a final decision has

been taken on a previous application, including cases in which the application has been rejected as explicitly or implicitly withdrawn;

“subsidiary protection status” means the status granted in Gibraltar under regulation 43 of the Asylum Regulations 2008;

“third country national” has the same meaning as in Article 26 of the Treaty on Gibraltar and the European Union;

“Treaty on Gibraltar and the European Union” has the same meaning as in section 5 of the Treaty on Gibraltar and the European Union Act 2026;”.

(3) In Part II, before regulation 3 insert –

“ Treaty on Gibraltar and the European Union.

2A. These Regulations are subject to section 50 (Applications for International Protection) of the Treaty on Gibraltar and the European Union Act 2026.”.

(4) In regulation 3 for “asylum” substitute “international protection” on both occasions the word appears.

(5) In regulation 4 for “asylum” substitute “international protection” on both occasions the word appears.

(6) In regulation 5 –

- (a) in the title for “**asylum**” substitute “**international protection**”;
- (b) in subregulation (1) for “Every applicant for asylum must lodge the application for asylum in person” substitute “An application for international protection shall be considered to have been made when a person, including an unaccompanied minor, expresses in person a wish to receive international protection”;
- (c) after subregulation (1) insert –
 - “(1A) Where one of the authorities referred to in subregulation (1) has doubts as to whether a certain declaration is to be construed as an application for international protection, they shall ask the person expressly whether he wishes to receive international protection.
 - (1B) The applicant shall lodge the application with the Authority no later than 21 days after the application is registered in accordance with regulation 5A, provided that he is given an effective opportunity to do so.
 - (1C) The application shall be lodged in person at a designated date and place and, where communicated, time and the Authority shall communicate that date and place to the applicant and an application is deemed to be lodged

in person when the Authority verifies that the applicant is physically present in Gibraltar at the time of registration or lodging of an application.”;

(d) in subregulations (2), (3), (4), (5) and (6) for “asylum” substitute “international protection” on each occasion the word appears;

(e) after subregulation (6) insert –

“(7) Where a disproportionate number of persons make an application for international protection within the same period of time, making it unfeasible to give each applicant an appointment within the time limit set in subregulation (1B), the applicant shall be given an appointment to lodge his application at a date no later than two months from when the application is registered.

(8) When lodging an application, applicants are required to submit as soon as possible all the elements and documents at their disposal referred to in regulation 26 of the Asylum Regulations 2008 needed for substantiating their application and after the lodging of their application, in particular at their personal interview, applicants shall be allowed to submit any additional elements relevant for its examination, until a decision is taken on their application.

(9) The Authority may set a deadline within that timeframe for submitting those additional elements with which the applicant shall endeavour to comply.

(10) The Authority may organise the access to the procedure in such a way that making, registering or lodging take place at the same time and in such cases shall ensure that all applicants enjoy the guarantees provided for in regulation 9 and where making, registering or lodging take place at the same time, applicants shall be allowed to submit all the elements and documents at their disposal referred to in regulation 26 of the Asylum Regulations 2008 needed for substantiating their application during their personal interview.

(11) Applicants shall be allowed to submit any additional elements relevant for the examination of their application until a decision is taken on their application and the Authority may set a deadline within that timeframe for submitting those additional elements with which the applicant shall endeavour to comply.”.

(7) After regulation 5 insert–

“Registration of applications.

5A.(1) The Authority shall, in accordance with section 50(3) of the Treaty on Gibraltar and the European Union Act 2026, register the application.

(2) The registration referred to in subregulation (1) shall contain the following information –

- (a) the applicant's name, date and place of birth, gender, nationalities or the fact that the applicant is stateless, family members and in the case of minors, siblings or relatives present, where applicable, and other personal details of the applicant relevant for the procedure for international protection and for the determination of the application;
- (b) where available, the type, number and period of validity of any identity or travel document of the applicant and the country that issued that document and other documents provided by the applicant which the Authority deems relevant for the purposes of identifying him, for the procedure for international protection and for the determination of the application;
- (c) the date of the application, the place where the application was made and the authority to which the application was made;
- (d) the applicant's location or the applicant's place of residence or address and, where available, a telephone number and an email address where the applicant can be reached.

(3) Where an individual claims not to have a nationality, that fact shall be clearly registered pending the determination of whether the individual is stateless.

(4) Where the information is collected by the Authority or by another authority assisting it for the purpose of examining the application, additional data necessary for the examination of the application may also be collected at the time of registration.

(5) Without prejudice to the right of the applicant to present new elements in support of the application, in the case of a subsequent application, where the information referred to in subregulation (2)(a), (b) and (d), and subregulation (3) is already available to the Authority, it may not have to collect such data.

Documents provided to the applicant.

5B.(1) The Authority shall, upon registration of the application, provide the applicant with a document in his own name indicating that an application has been made and registered and that document shall be valid until the document referred to in subregulation (4) has been issued.

(2) The document referred to in subregulation (1) does not have to be provided if it is possible to issue the document referred to in subregulation (4) by the time of registration.

(3) The document referred to in subregulation (1) shall be withdrawn when the document referred to in subregulation (4) is issued.

- (4) The Authority shall, as soon as possible after the lodging of the application, issue a document including at least the following elements, to be updated as necessary–
- (a) the applicant’s name, date and place of birth, gender and nationalities or, if applicable, an indication of statelessness, a facial image of the applicant and the applicant’s signature;
 - (b) the issuing authority, date and place of issue and period of validity of the document;
 - (c) the status of the individual as an applicant;
 - (d) a statement that the applicant has the right to remain in Gibraltar for the purpose of having the application examined;
 - (e) a statement that the document is not a travel document and that the applicant is not allowed to travel without authorisation to the territory of the Member States.
- (5) It shall not be necessary to issue any of the documents referred to in this regulation where and for as long as the applicant is in detention or imprisonment and upon release from detention or imprisonment, the applicant shall be provided with the document referred to in subregulation (1) or (4) and where the applicant is provided with the document referred to in subregulation (1) upon release, the applicant shall receive the document referred to in subregulation (4) as soon as possible.
- (6) In the case of accompanied minors, the documents referred to in this regulation issued to one of the parents of the applicant or the adult responsible for him may also cover the minor, if appropriate.
- (7) The documents referred to in this regulation need not be proof of identity but shall be considered to be sufficient means for applicants to identify themselves to authorities and to access their rights for the duration of the procedure for international protection.
- (8) The documents referred to in subregulation (1) and (4) shall state the date of registration of the application.
- (9) The document referred to in subregulation (4) shall be valid for up to 12 months and the validity of the document shall be renewed so as to cover the period during which the applicant has a right to remain in Gibraltar and the period of validity of the document does not constitute a right to remain where that right was terminated or suspended in accordance with these Regulations or the Asylum Regulations 2008.

Access to the procedure in detention facilities and at border crossing points.

- 5C.(1) Where there are indications that persons held in detention facilities or present at border crossing points, including transit zones, at external borders, may wish to make an application for international protection, the Authority shall provide them with information on the possibility to do so.
- (2) Where an applicant makes an application in a detention facility, in prison or at a border crossing point, including transit zones, at external borders, the Authority shall make arrangements for interpretation services to the extent necessary to facilitate access to the procedure for international protection.
- (3) Organisations and persons permitted to provide advice and counselling shall have effective access to applicants held in detention facilities or present at border crossing points, including transit zones, at external borders and such access may be subject to a prior agreement with the Authority.
- (4) The Government may impose limits on access as referred to in subregulation (1) where they are objectively necessary for the security, public order or administrative management of a border crossing point, including transit zones, or detention facility, provided that access is not severely restricted or rendered impossible.

Applications on behalf of adults requiring assistance to exercise legal capacity.

- 5D.(1) In the case of an adult requiring assistance to exercise legal capacity in accordance with Gibraltar law (the ‘dependant adult’), an adult responsible for him may make and lodge an application on behalf of the dependant adult.
- (2) The dependant adult shall be present for the lodging of the application, except where there are justified reasons for which he is unable or unfit to be present or, where possible, the application is lodged by means of a form.

Applications on behalf of accompanied minors.

- 5E.(1) An accompanied minor shall have the right to lodge an application in his own name where he has legal capacity in accordance with Gibraltar law and where the accompanied minor does not have such capacity, a parent or another adult, such as a legal caregiver or the Care Agency, responsible for the minor shall lodge the application on the minor’s behalf.
- (2) In the case of an accompanied minor who does not have legal capacity and who is present at the moment the parent or another adult responsible for him makes or lodges the application for international protection, in particular if such minor does not have any other legal means of staying in Gibraltar, the making and lodging of an application by a parent or another adult responsible for him shall also be considered to be the making and lodging of an application for international protection on behalf of the minor.

- (3) The Authority may decide to apply subregulation (2) also in the case of an accompanied minor who is born or who is present during the administrative procedure.
- (4) Where the parent or adult responsible for the accompanied minor referred to in subregulation (2) or (3) lodges the application on behalf of the minor, the minor shall be present for the lodging of the application, except where there are justified reasons for which the minor is unable or unfit to be present or, where possible, the application on behalf of the minor is lodged by means of a form.

Applications of unaccompanied minors.

- 5F.(1) An unaccompanied minor shall have the right to lodge an application in his own name if he has legal capacity in accordance with Gibraltar law and to that effect, the unaccompanied minor shall be informed of the age of legal capacity and where the unaccompanied minor does not have legal capacity a representative or a person as referred to in regulation 15(2) shall lodge the application on his behalf.
 - (2) Subregulation (1) shall apply without prejudice to an unaccompanied minor's right to legal counselling and to legal assistance and representation in accordance with regulations 14 and 14A.
 - (3) In the case of an unaccompanied minor who does not have legal capacity the application shall be lodged within the time limit set out in regulation 5(1B), taking into account the best interests of the child.
 - (4) Where the representative of an unaccompanied minor or a person as referred to in regulation 15(2) lodges the application on behalf of the minor, the minor shall be present for the lodging of the application, except where there are justified reasons for which the minor is unable or unfit to be present or, where possible, the application is lodged by means of a form.”.
- (8) In regulation 6–
- (a) in the title for “asylum” substitute “international protection”;
 - (b) in subregulation (1)–
 - (i) for “asylum” substitute “international protection”;
 - (ii) after “residence permit” insert “and shall not give the applicant the right to travel to the territory of Member States”;
 - (c) in subregulation (2)–
 - (i) in paragraph (a) for “asylum” substitute “international protection”;

- (ii) in paragraph (b) for “surrender or extradite” substitute “surrender, extradite or transfer”.

(9) In regulation 7–

- (a) in the title for “**asylum**” substitute “**international protection**”;
- (b) in subregulations (1) and (2) for “asylum” substitute “international protection”;
- (c) for subregulation (3)(a) substitute–

“(a) examine the application for international protection and take the decision on the application individually, objectively and impartially, taking into account; -

- (i) the relevant statements and documentation presented by the applicant in accordance with regulation 26 of the Asylum Regulations 2008;
- (ii) where applying the concepts of first country of asylum or safe third country, relevant, precise and up-to-date information relating to the situation prevailing in the third country being considered as a first country of asylum or a safe third country at the time of taking a decision on the application;
- (iii) the individual position and personal circumstances of the applicant, including factors such as the applicant’s background, age, gender, gender identity and sexual orientation, so as to assess whether, on the basis of the applicant’s personal circumstances, the acts to which the applicant has been or could be exposed would amount to persecution or serious harm;
- (iv) whether the activities that the applicant was engaged in since leaving the country of origin were carried out by the applicant for the sole or main purpose of creating the necessary conditions for applying for international protection, so as to assess whether those activities would expose the applicant to persecution or serious harm, as referred to in regulation 28 or 36, as the case may be, of the Asylum Regulations 2008 if returned to that country;
- (v) whether the applicant could reasonably be expected to avail himself of the protection of another country where he could assert citizenship;
- (vi) provided that the State or agents of the State are not the actors of persecution or serious harm, whether the internal protection alternative referred to in regulation 26A of the Asylum Regulations 2008 applies.”;

- (d) in subregulation (3)(b)–

- (i) after “UNHCR” insert “and other available international sources”;
- (ii) for “asylum” substitute “international protection, including laws and regulations of the country of origin and the manner in which they are applied”;
- (e) in subregulation (3)(c) for “asylum” substitute “international protection”;
- (f) in subregulation (3)(d)–
 - (i) for “asylum” substitute “international protection”;
 - (ii) after “refugee law” insert “and shall have the possibility to seek advice, whenever necessary, from experts on particular issues, such as medical, cultural, religious, mental health, and child-related or gender issues”;
- (g) after subregulation (3) insert–
 - “(3A) Documents assessed by the Authority as relevant for the examination of applications shall be translated, where necessary, for such examination and the translation of those relevant documents or parts thereof may be provided by other entities and paid for from public funds.
 - (3B) The applicant may, at his own cost, ensure the translation of other documents and for subsequent applications, the applicant may be made responsible for the translation of documents.
 - (3C) The Authority may prioritise the examination of an application for international protection in particular where–
 - (a) it considers that the application is likely to be well-founded;
 - (b) the applicant has special reception needs within the meaning of regulation 20A of the Asylum Regulations 2008 or is in need of special procedural guarantees as referred to in regulation 14B or 15, in particular where he is an unaccompanied minor;
 - (c) there are reasonable grounds to consider the applicant as a danger to national security or public order;
 - (d) the application is a subsequent application;
 - (e) the applicant has been subject to a decision in accordance with regulation 21(1)(a)(v) of the Asylum Regulations 2008.”.

(10) After regulation 7 insert–

“Duration of the examination procedure.

7A.(1) The examination to determine whether an application is inadmissible in accordance with regulation 21(2)(a) to (g) and subregulation (3) shall be concluded as soon as possible and no later than two months from the date on which the application is lodged and in the case referred to in regulation 21(2)(h), the Authority shall conclude the examination within ten working days.

(2) The application shall not be deemed to be admissible solely by reason of the fact that no decision on inadmissibility is taken within the time limits set out in subregulation (1) and in subregulation (3).

(3) The Authority may extend the time limits provided for in subregulation (1) by no more than two months where–

- (a) a disproportionate number of persons make an application for international protection within the same period of time, making it unfeasible to conclude the admissibility procedure within the set time limits;
- (b) complex issues of fact or law are involved;
- (c) the delay can be attributed clearly and solely to the failure of the applicant to comply with his obligations under regulation 10.

(4) The Authority shall conclude the accelerated examination procedure as soon as possible and no later than three months from the date on which the application is lodged.

(5) The Authority shall ensure that an examination procedure on the merits, provided that it is not an accelerated examination procedure, is concluded as soon as possible and no later than six months from the date on which the application is lodged, without prejudice to an adequate and complete examination.

(6) The Authority may extend the time limit of six months referred to in subregulation (5) by a period of not more than six months where–

- (a) a disproportionate number of persons make an application for international protection within the same period of time, making it unfeasible to conclude the procedure within the six-month time limit;
- (b) complex issues of fact or law are involved;
- (c) the delay can be attributed clearly and solely to the failure of the applicant to comply with his obligations under regulation 10.

(7) The Authority may postpone concluding the examination procedure where it cannot reasonably be expected to decide within the time limits laid down in subregulation (5) due to an uncertain situation in the country of origin which is expected to be temporary and in such cases, the Authority shall—

- (a) conduct reviews of the situation in that country of origin at least every four months;
- (b) where available, take into account reviews of the situation in that country of origin carried out by international sources;
- (c) inform the applicants concerned, in a language which they understand or are reasonably supposed to understand and as soon as possible, of the reasons for the postponement.

(8) The Government shall lay down time limits for the conclusion of the examination procedure in cases where a court or tribunal annuls the decision of the Authority and refers the case back and those time limits shall be shorter than the time limits set out in this regulation.”.

(11) In regulation 8—

(a) in subregulation (1)—

(i) in paragraph (a) for “asylum, give its decision in writing” substitute “international protection, give its decision in writing to the applicant or, where a representative or legal advisor legally represents the applicant, to the representative or legal advisor”;

(ii) in paragraph (b)—

(aa) in subparagraph (i) for “asylum is rejected” substitute “international protection is rejected as inadmissible, unfounded or manifestly unfounded, as explicitly withdrawn or as implicitly withdrawn”;

(bb) in subparagraph (ii) for “asylum is given in writing.” substitute “international protection is given in writing,

and, unless the applicant is assisted by a legal advisor, the information shall be provided in a language that the applicant understands or is reasonably supposed to understand.”

(b) after subregulation (1) insert—

“(1A) Where the applicant is assisted by a legal adviser who legally represents the applicant, the information referred to in subregulation (1) may be provided solely to that legal adviser without being translated into a language which the applicant understands or is reasonably supposed to

understand and in such a case, the fact of whether or not international protection is granted shall be communicated, in writing, for information to the applicant in a language which he understands or is reasonably supposed to understand, together with general information on how to challenge the decision.

(1B) In the case of applications on behalf of minors or dependant adults and where the applications are all based on the exact same grounds as the application of the adult responsible for that minor or dependant adult, the Authority may, following an individual assessment for each applicant, take a single decision covering all applicants, unless to do so would lead to the disclosure of particular circumstances of an applicant which could jeopardise his interests, in particular in cases involving gender-based violence, trafficking in human beings, and persecution based on gender, sexual orientation, gender identity or age and in such cases, a separate decision shall be issued and notified to the person concerned in accordance with subregulation (1).”;

(c) in subregulation (2) delete “and European Union”;

(d) in subregulation (5) for “asylum” substitute “international protection” on each occasion the word appears;

(e) after subregulation (5) insert–

“(6) An application shall not be examined on the merits where –

(a) another State is responsible;

(b) an application is rejected as inadmissible in accordance with regulation 21 or;

(c) an application is explicitly or implicitly withdrawn in accordance with regulation 17.

(7) When examining an application on the merits, the Authority shall take a decision on whether the applicant qualifies as a refugee and, if not, it shall determine whether the applicant is eligible for subsidiary protection in accordance with the Asylum Regulations 2008.”.

(12) After regulation 8 insert–

“Rejection of an application and issuance of a return decision.

8A.(1) Where an application is rejected as inadmissible, unfounded or manifestly unfounded with regard to both refugee status and subsidiary protection status, or as implicitly or explicitly withdrawn, the Authority shall issue a return decision

that respects Part VA and that is in accordance with the principle of non-refoulement.

- (2) Where a return decision or another decision imposing the obligation to return has already been issued prior to the making of an application for international protection, the return decision under this regulation is not required.
- (3) The return decision shall be issued as part of the decision rejecting the application for international protection or in a separate act and where the return decision is issued as a separate act, it shall be issued at the same time and together with the decision rejecting the application for international protection or without undue delay thereafter.”.

(13) In regulation 9–

(a) in sub regulation (1)–

- (i) in paragraph (a) before “the procedure” insert “the right to lodge an individual application”;
- (ii) in paragraph (c) delete “and”;
- (iii) in paragraph (d) for “,” substitute “; and”;
- (iv) after paragraph (d) insert–
 - “(e) the right to free legal counselling for the lodging of the individual application and to legal assistance and representation at all stages of the procedure,”;

(b) in subregulation (2)–

- (i) in paragraph (b) after “agreement” insert “before the deadline for lodging an application”;
- (ii) in paragraphs (c) and (d) for “asylum” substitute “international protection”;

(c) after subregulation (4) insert–

- “(5) All the information referred to in this regulation shall be provided as soon as possible to enable applicants to exercise the rights guaranteed and to enable them to adequately comply with their obligations under regulation 10 and the information referred to in subregulation (1) shall be provided to the applicant at the latest when the application is registered.
- (6) The information referred to in subregulation (1) shall be provided by means of a leaflet, either physically or electronically and if necessary, orally and information shall be provided to minors in a child-friendly manner and with

the involvement of the representative or the person referred to in regulation 15(2)(a).

- (7) The applicant shall be given the opportunity to confirm that he has received the information and such confirmation shall be documented in the applicant's file and if the applicant refuses to confirm that he has received the information, a note of that fact shall be entered in his file.
- (8) The Authority shall ensure that applicants and, where applicable, their representatives or legal advisors or other counsellors admitted or permitted to provide advice under Gibraltar law have access to the information referred to in regulation 7(3)(a)(ii) and (b), that is required for the examination of applications and to the information provided by the experts referred to in regulation 7(3)(d), where the Authority has taken that information into consideration for the purpose of taking a decision on their application.
- (9) The Authority shall give applicants notice in writing as soon as possible of the decision taken on their application and where a representative or legal advisor legally represents the applicant, the Authority may give notice of the decision to that representative or legal advisor instead of the applicant.”.

(14) In regulation 10–

(a) in subregulation (1)–

- (i) in the opening paragraph for “asylum” substitute “international protection”;
- (ii) in paragraph (c) after “address” insert “, telephone number and email address” and after the semicolon delete “and”;
- (iii) in paragraph (d) for “,” substitute “,”;
- (iv) after paragraph (d) insert–
 - “(e) provide data relating to his name, date and place of birth, gender, nationalities (or the fact they are stateless), family members (including minors, siblings and relatives) present in Gibraltar and type, number and validity of any identity or travel document;
 - (f) provide an explanation where he is not in possession of an identity or travel document;
 - (g) provide biometric data;
 - (h) lodge his application in accordance with regulation 5 and remain available throughout the procedure;

- (i) attend the personal interview.”;
- (b) in subregulation (2) for “asylum” substitute “international protection”;
- (c) after subregulation (2) insert—
 - “(3) Where the Authority decides to retain any document as referred to in subregulation (1)(b), it shall ensure that the applicant immediately receives copies of the originals.
 - (4) The applicant shall accept any communication from the Authority at the most recent place of residence or address, by telephone number or email address indicated by himself to the Authority.
 - (5) An applicant shall comply with obligations to report to the Authority at a specified time or at reasonable intervals.
 - (6) Without prejudice to any search carried out for security reasons, where it is necessary and duly justified for the examination of an applicant, the Authority may require that the applicant be searched or that his items be searched in accordance with Gibraltar law and the Authority shall provide the applicant with the reasons for the search and include them in the applicant’s file.
 - (7) Any search carried out of the applicant’s person under these Regulations shall be carried out by a person of the same sex with full respect for the principles of human dignity and of physical and psychological integrity.”.
- (15) In regulation 11—
 - (a) in subregulation (1)—
 - (i) for “asylum” substitute “international protection” on both occasions the word appears;
 - (ii) after “conduct the interview” insert “and before a decision on the admissibility of an application, the applicant shall be also be given the opportunity of a personal interview on admissibility and both interviews can be held at the same time provided the applicant has been informed of such a possibility in advance and has been able to consult with his legal advisor or with a person entrusted with providing legal counsel”;
 - (b) after subregulation (1) insert—
 - “(1A) In an interview on admissibility, the applicant shall be given an opportunity to provide reasons as to why the inadmissibility grounds provided would not be applicable to him.

- (1B) In the personal interview, the applicant shall be given the opportunity to present the elements needed to substantiate his application in accordance with the Asylum Regulations 2008 as completely as possible and the applicant shall be given the opportunity to provide an explanation regarding elements which might be missing or any inconsistencies or contradictions in his statements.”;
- (c) in subregulation (4)–
 - (i) in paragraphs (b) and (c) for “asylum” substitute “international protection” on each occasion the word appears and in paragraph (c) for “.” substitute “,”;
 - (ii) after paragraph (c) insert–
 - “(d) considers that the application is not inadmissible on the basis of the evidence provided;
 - (e) in the case of a subsequent application, the preliminary examination is carried out on the basis of a written statement;
 - (f) considers the application inadmissible.”;
- (d) in subregulation (6) after “applies the” insert “omission of a personal interview shall not adversely affect the decision of the Authority and the”;
- (e) after subregulation (6) insert–
 - “(6A) When in doubt as to the fitness or ability of the applicant to be interviewed, the Authority shall consult a medical professional to establish whether the applicant is temporarily unfit or unable to be interviewed or whether his situation is of an enduring nature and where, following consultation of that medical professional, it is clear that the condition making the applicant unfit or unable to be interviewed is of a temporary nature, the Authority shall postpone the personal interview until such time as the applicant is fit or able to be interviewed.
 - (6B) Where the applicant is unable to attend the personal interview owing to specific circumstances beyond his control, the Authority shall reschedule the personal interview.
 - (6C) Applicants shall be present at the personal interview and shall be required to respond in person to the questions asked and shall be allowed to be assisted by a legal adviser in the personal interview, including when it is held by video conference.”;
- (f) in subregulation (9) for “asylum” substitute “international protection”.

(16) In regulation 12–

(a) in subregulation (1)–

- (i) in paragraph (a) for “confidentiality” substitute “privacy and confidentiality which allow applicants to present the grounds for their applications in a comprehensive manner” and after the semicolon delete “and”;
- (ii) in paragraph (b) for “.” substitute “; and”;
- (iii) after paragraph (b) insert–
 - “(c) in the presence of the applicant’s legal advisor where the applicant has decided to avail himself of legal assistance.”;

(b) in subregulation (2)–

- (i) in the opening paragraph for “asylum” substitute “international protection”;
- (ii) in paragraph (a) for “asylum” substitute “international protection” and after the semicolon delete “and”;
- (iii) in paragraph (b) for “.” substitute “; and”;
- (iv) after paragraph (b) insert–
 - “(c) ensure the presence of a cultural mediator, if deemed necessary by the Authority.”;

(c) after subregulation (2) insert–

“(2A) For the purposes of subregulation (2)(b) and (c), the Authority shall give preference to interpreters and cultural mediators that have received appropriate training and the Authority shall ensure that such interpreters and cultural mediators are made aware of the key concepts and terminology relevant to the assessment of applications for international protection and communication shall take place in the language preferred by the applicant unless there is another language which he understands and in which he is able to communicate clearly.”;

(d) after subregulation (4) insert–

“(5) The person conducting the interview shall–

- (a) be competent to take account of the personal and general circumstances surrounding the application, including the situation prevailing in the applicant's country of origin, and the applicant's cultural origin, age, gender, gender identity, sexual orientation, vulnerability and special procedural needs;
 - (b) not wear a military or law enforcement uniform;
 - (c) have acquired knowledge of factors which could adversely affect the applicant's ability to be interviewed, such as indications that the person may have been tortured in the past or have been a victim of trafficking in human beings;
 - (d) have received advance appropriate training.
- (6) Where requested by the applicant and where possible, the Authority shall ensure that the interviewers and interpreters are of the sex that the applicant prefers, unless it has reasons to consider that such a request does not relate to difficulties on the part of the applicant to present the grounds of his application in a comprehensive manner.
- (7) By way of derogation, the Authority may hold the personal interview by video conference where duly justified by the circumstances and in such a case shall ensure the necessary arrangements for the appropriate facilities, procedural and technical standards, legal assistance and interpretation.”.

(17) In regulation 13–

- (a) in subregulation (1)(a) for “asylum,” substitute “international protection, or a transcript of the interview or a transcript of the recording of the interview,”;
- (b) after subregulation (1) insert–

“(1A) The personal interviews shall be recorded using audio means of recording and the applicant shall be informed in advance of the fact that such a recording is being made and the purpose thereof and particular attention shall be paid to the requirements of applicants in need of special procedural guarantees.

(1B) The Authority shall include the recording in the applicant's file.

(1C) The applicant shall be given the opportunity to make comments or provide clarification orally or in writing with regard to any incorrect translations or misunderstandings or other factual mistakes appearing in the report, the transcript of the interview or the transcript of the recording, at the end of the personal interview or within a specified time limit before the Authority takes a decision and to that end, the applicant shall be informed of the entire

content of the report, of the transcript of the interview or of the transcript of the recording, with the assistance of an interpreter, where necessary.

- (1D) The applicant shall be requested to confirm that the content of the report or the transcript of the interview correctly reflects the personal interview and where the applicant refuses to confirm the content, the reasons for that refusal shall be entered in the applicant's file and that refusal shall not prevent the Authority from taking a decision on the application.
- (1E) Where there is doubt as to the statements made by the applicant during the personal interview, the audio recording shall prevail.
- (1F) The applicant does not have to be requested to make comments or to provide clarifications on the report or the transcript of the interview, nor to confirm that the content of the report or the transcript of the interview correctly reflects the interview where –

- (a) under Gibraltar law, the recording or a transcript thereof may be admitted as evidence in the appeal procedure; or

- (b) it is clear to the Authority that the applicant will be granted refugee status or subsidiary protection status provided that the subsidiary protection status offers the same rights and benefits as refugee status under Gibraltar law.

- (1G) Applicants and, where they have been appointed, their representatives and their legal advisers shall have access to the report or transcripts referred to in subregulation (1) as soon as possible after the interview and in any case in due time before the Authority takes a decision and access to the recording shall also be provided in the appeal procedure.”.

(18) In regulation 14–

- (a) in subregulation (1) for “asylum” substitute “international protection” on both occasions the word appears;
- (b) after subregulation (1) insert–

- “(1A) The applicant shall be informed as soon as possible and at the latest when registering the application of his right to request free legal counselling or free legal assistance and representation.”;

- (c) in subregulation (2) for “asylum” substitute “international protection”;
- (d) after subregulation (3) insert–

- “(3A) The provision of free legal assistance or representation or both, may be excluded where–

- (a) the applicant, who shall disclose his financial situation, is considered to have sufficient resources to afford legal assistance or representation or both, at his own cost;
- (b) it is considered that the appeal has no tangible prospect of success or is abusive;
- (c) the applicant is already assisted or represented by a legal adviser.

(3B) Where a decision not to grant free legal assistance or representation or both is taken under subregulation (3A)(b), the applicant shall have a right to appeal that decision before the Magistrates' Court and for that purpose, the applicant shall be entitled to request free legal assistance or representation, or both.”;

- (e) in subregulation (5) for “asylum” substitute “international protection”;
- (f) in subregulation (6)(b)(i) for “asylum” substitute “international protection”;
- (g) in subregulation (9) for “asylum” substitute “international protection”.

(19) After regulation 14 insert–

“Free legal counselling during application procedure.

- 14A.(1) The Government shall, at the request of an applicant, provide free legal counselling during the application procedure until such time as a decision is made by the Authority under regulation 8.
- (2) Access to free legal counselling may be assured by entrusting a person with the provision of legal counselling to several applicants at the same time.
 - (3) For the purposes of this regulation, free legal counselling shall include the provision of–
 - (a) guidance on and an explanation of the application procedure including information on rights and obligations during that procedure;
 - (b) assistance on the lodging of the application and guidance on–
 - (i) the different procedures under which the application may be examined and the reasons for the application of those procedures;
 - (ii) the rules related to the admissibility of an application;
 - (iii) legal issues arising in the course of the procedure, including information on how to challenge a decision rejecting an application.

- (4) Without prejudice to subregulation (1), the provision of free legal counselling in the application procedure may be excluded where—
- (a) the application is a first subsequent application considered to have been lodged merely in order to delay or frustrate the enforcement of a return decision which would result in the applicant's imminent removal from Gibraltar;
 - (b) the application is a second or further subsequent application;
 - (c) the applicant is already assisted and represented by a legal adviser.

Assessment of the need for special procedural guarantees.

- 14B.(1) The Authority shall individually assess whether the applicant is in need of special procedural guarantees, with the assistance of an interpreter, where needed and that assessment may be integrated into existing procedures or into the assessment referred to in regulation 20B of the Asylum Regulations 2008 and need not take the form of an administrative procedure.
- (2) The assessment may be made available, and the results of the assessment may be transmitted, to the Authority, subject to the applicant's consent.
 - (3) The assessment referred to in subregulation (1) shall be initiated as early as possible after an application is made by identifying whether an applicant presents first indications that he might require special procedural guarantees and that identification shall be based on visible signs, the applicant's statements or behaviour, or any relevant documents.
 - (4) In the case of minors, statements of the parents, of the adult responsible for him or of the representative of the applicant shall also be taken into account and the Authority shall, when registering the application, include information on any such first indications in the applicant's file.
 - (5) The assessment referred to in subregulation (1) shall be continued after the application is lodged, taking into account any information in the applicant's file and shall be concluded as soon as possible and, in any event, within 30 days and it shall be reviewed in the event of any relevant changes in the applicant's circumstances or where the need for special procedural guarantees becomes apparent after the assessment has been completed.
 - (6) The Authority may refer the applicant, subject to his prior consent, to the appropriate medical practitioner or psychologist or to another professional for advice on the applicant's need for special procedural guarantees, prioritising cases where there are indications that applicants might have been victims of torture, rape or another serious form of psychological, physical, sexual or gender-based

violence and that that could adversely affect their ability to participate effectively in the procedure.

- (7) Where the applicant consents to be referred in accordance with subregulation (6), such consent shall be deemed to include consent to the transmission of the results of the referral to the Authority and the advice provided shall be taken into account by the Authority when deciding on the type of special procedural guarantees which can be provided to the applicant.
- (8) Where applicable and without prejudice to the medical examination, the assessment referred to in subregulation (1) may be integrated with the medical examinations referred to in regulations 15A and 15B.
- (9) The relevant staff of the Authority and any medical practitioner, psychologist or other professional giving advice on the need for special procedural guarantees shall receive training to enable them to detect signs of vulnerability on the part of an applicant who might need special procedural guarantees and address those needs when identified.

Applicants in need of special procedural guarantees.

- 14C.(1) Where applicants have been identified as being in need of special procedural guarantees, they shall be provided with the necessary support allowing them to benefit from the rights and comply with the obligations under these Regulations throughout the duration of the procedure for international protection.
- (2) Where the Authority, including on the basis of the assessment of another relevant authority, considers that the necessary support referred to in subregulation (1) cannot be provided within the framework of the prioritised or accelerated examination procedure referred to in regulation 20(5), paying particular attention to victims of torture, rape or other serious forms of psychological, physical, sexual violence or gender-based violence, the Authority shall not apply or shall cease to apply those procedures to the applicant.

Guarantees for minors.

- 14D.(1) The best interests of the child shall be a primary consideration for the Authority when applying these Regulations.
- (2) The Authority shall assess the best interests of the child in accordance with regulation 19 of the Asylum Regulations 2008.
 - (3) The Authority shall give a minor the opportunity of a personal interview, including where an application is made on his own behalf, unless this is not in the best interests of the child and in that case, the Authority shall give reasons for the decision not to give a minor the opportunity of a personal interview.

- (4) The personal interview of a minor shall be conducted by a person who has the necessary knowledge of the rights and special needs of minors and it shall be conducted in a child-sensitive and context-appropriate manner, taking into consideration the age and maturity of the child.
 - (5) Where a minor is accompanied, the personal interview shall be conducted in the presence of an adult responsible for him and, where one has been appointed, of a legal adviser and may also, where necessary and when it is in the best interests of the child, conduct the personal interview with that minor in the presence of a person with necessary skills and expertise and on justified grounds and only where it is in the best interests of the child, the Authority may interview the minor without the presence of an adult responsible, provided that it ensures that the minor is assisted during the interview by a person with necessary skills and expertise in order to safeguard his best interests.
 - (6) The decision on the application of a minor shall be prepared by the relevant staff of the Authority and those relevant staff shall have the necessary knowledge and have received the appropriate training on the rights and special needs of minors.”.
- (20) For regulation 15 substitute–

“Guarantees for unaccompanied minors.

- 15.(1) The Authority shall ensure that unaccompanied minors are represented and assisted in such a way so as to enable them to benefit from the rights and comply with the obligations under these Regulations and the Asylum Regulations 2008.
- (2) Where an application is made by a person who claims to be a minor, or in relation to whom there are objective grounds to believe that he is a minor, who is unaccompanied, the Authority shall–
 - (a) designate as soon as possible and in any case in a timely manner for the purposes of subregulation (10) and, where applicable, subregulation (11), a person with the necessary skills and expertise to provisionally assist the minor in order to safeguard his best interests and general well-being which enables the minor to benefit from the rights under these Regulations and, where applicable, act as a representative until a representative has been appointed;
 - (b) appoint a representative as soon as possible and no later than 15 working days from the date on which the application is made.
 - (3) The representative in subregulation (2)(a) may be the representative referred to in regulation 20 of the Asylum Regulations 2008 and he shall meet with the unaccompanied minor and take into account the minor’s own views about his needs in accordance with the age and maturity of the minor.

- (4) Where the Authority has concluded that an applicant who claims to be a minor is without any doubt above the age of 18 years, it need not appoint a representative in accordance with this regulation.
- (5) The duties of the representative or the person referred to in subregulation (2)(a) shall cease where the Authority, following the age assessment referred to in regulation 15B, do not assume that the applicant is a minor or consider that the applicant is not a minor or where the applicant is no longer an unaccompanied minor.
- (6) In the event of a disproportionate number of applications made by unaccompanied minors or in other exceptional situations, the time limit for appointing a representative as referred to in subregulation (2)(b) may be extended by ten working days, without prejudice to subregulation (3).
- (7) Where an organisation is designated under subregulation (2), it shall appoint a natural person to carry out the tasks referred to in this regulation in respect of the unaccompanied minor.
- (8) The Authority shall immediately inform—
 - (a) the unaccompanied minor, in a child-friendly manner and in a language he can understand, of the designation of the person referred to in subregulation (2)(a) and of his representative and about how to lodge a complaint against the person referred to in subregulation (2)(a) or (b) in confidence and safety;
 - (b) the person referred to in subregulation (2)(a) and the representative of the relevant facts, procedural steps and time limits pertaining to the application of the unaccompanied minor.
- (9) The representative and the person referred to in subregulation (2)(a) shall have access to the content of the relevant documents in the minor's file including the specific information material for unaccompanied minors.
- (10) The person referred to in subregulation (2)(a) shall meet with the unaccompanied minor and carry out, inter alia, the following tasks, where appropriate together with the legal adviser—
 - (a) provide the unaccompanied minor with relevant information in relation to the procedures provided for in these Regulations;
 - (b) where applicable, assist the unaccompanied minor in relation to the age-assessment procedure referred to in regulation 15B;
 - (c) where applicable, provide the unaccompanied minor with the relevant information and assist him in relation to the procedures provided for in these Regulations and the Asylum Regulations 2008.

- (11) For as long as a representative has not been appointed, the Authority may authorise the person referred to in subregulation (2) to assist the minor with the registration and lodging of the application or lodge the application on behalf of the minor in accordance with regulation 5F.
- (12) The representative shall meet with the unaccompanied minor and shall carry out, inter alia, the following tasks, where appropriate together with the legal adviser—
 - (a) where applicable, provide the unaccompanied minor with relevant information in relation to the procedures provided for in this regulation;
 - (b) where applicable, assist with the age-assessment procedure referred to in regulation 15B;
 - (c) where applicable, assist with the registration of the application;
 - (d) where applicable, assist with the lodging of the application or lodge the application on behalf of the unaccompanied minor in accordance with regulation 5F;
 - (e) where applicable, assist with the preparation of and be present for the personal interview and inform the unaccompanied minor about the purpose and possible consequences of the personal interview and about how to prepare for that interview;
 - (f) where applicable, provide the unaccompanied minor with the relevant information and assist the unaccompanied minor in relation to the procedures provided for in these Regulations and the Asylum Regulations 2008.
- (13) In the personal interview, the representative and the legal adviser shall have an opportunity to ask questions or make comments within the framework set by the person conducting the interview.
- (14) The Authority may require that the unaccompanied minor be present at the personal interview, even if the representative or legal adviser is present.
- (15) The representative shall perform his duties in accordance with the principle of the best interests of the child and shall have the necessary qualifications, training and expertise.
- (16) Representatives shall receive regular training for the performance of their tasks and shall not have a criminal record, in particular as regards any child-related crimes or offences and the representative shall be changed only if the Authority considers that the tasks of that representative or person have not been performed adequately and organisations or natural persons whose interests conflict or could

potentially conflict with those of the unaccompanied minor shall not be appointed as representative.

- (17) The Authority shall place a natural person acting as representative or a person suitable to provisionally act as a representative in charge of a proportionate and limited number of unaccompanied minors, and under normal circumstances, of no more than 30 unaccompanied minors at the same time, in order to ensure that he is able to perform his tasks effectively and in the event of a disproportionate number of applications made by unaccompanied minors or in other exceptional situations, the number of unaccompanied minors per representative may be increased up to a maximum of 50 unaccompanied minors.
- (18) The Government shall ensure that there are administrative or judicial authorities or other entities responsible to supervise, on a regular basis, the proper performance of tasks by the representatives and persons designated under subregulation (2)(a), including by reviewing the criminal records of those appointed representatives and designated persons at regular intervals in order to identify potential incompatibilities with their role and those administrative or judicial authorities or other entities shall review complaints lodged by unaccompanied minors against appointed representatives or persons designated under subregulation (2)(a).”.
- (21) After regulation 15 insert–

“Medical examination.

- 15A.(1) Where the Authority deems it relevant for the examination of an application for international protection, it shall, subject to the applicant’s consent, request a medical examination of the applicant concerning signs and symptoms that might indicate past persecution or serious harm and be informed of results thereof.
- (2) In the case of a minor, the medical examination shall only be carried out where the parent, the adult responsible for him, the representative or the person referred to in regulation 15(2)(a) and, where provided for by Gibraltar law, the applicant, consent and the medical examination shall be free of charge for the applicant and be paid for from public funds.
- (3) Where no medical examination is carried out in accordance with subregulation (1), the Authority shall inform applicants that they may, on their own initiative and at their own cost, arrange for a medical examination concerning signs and symptoms that might indicate past persecution or serious harm.
- (4) The results of the medical examinations referred to in this regulation shall be submitted to the Authority and to the applicant as soon as possible and shall be assessed by the Authority along with the other elements of the application.

- (5) The medical examination shall be the least invasive possible and be performed only by qualified medical professionals and it shall be performed in a way that respects the individual's dignity.
- (6) An applicant's refusal to undergo a medical examination or a decision to undergo a medical examination on his own initiative, where such an examination does not take place within a suitable timeframe taking into account the availability of appointments for medical examinations, shall not prevent the Authority from taking a decision on the application for international protection.

Age assessments of minors.

- 15B.(1) Where, as a result of statements by the applicant, available documentary evidence or other relevant indications, there are doubts as to whether or not an applicant is a minor, the Authority may undertake a multi-disciplinary assessment, including a psychosocial assessment, which shall be carried out by qualified professionals, to determine the applicant's age within the framework of the examination of an application and the assessment of the age shall not be based solely on the applicant's physical appearance or behaviour.
- (2) For the purposes of the age assessment, documents that are available shall be considered genuine, unless there is evidence to the contrary, and statements by minors shall be taken into consideration.
 - (3) Where there are still doubts as to the age of an applicant following the multi-disciplinary assessment, medical examinations may be used as a measure of last resort to determine the applicant's age within the framework of the examination of an application and where the result of the age assessment referred to in this regulation is not conclusive with regard to the applicant's age or includes an age-range below 18 years, the Authority shall assume that the applicant is a minor.
 - (4) Any medical examination carried out for the purposes set out in this regulation shall be the least invasive possible and be performed with full respect for the individual's dignity and shall be carried out by medical professionals with experience and expertise in age estimation and where this subregulation applies, the results from the medical examination and the multi-disciplinary assessment shall be analysed together, thereby allowing for the most reliable result possible.
 - (5) Where medical examinations are used to assess the age of an applicant, the Authority shall ensure that applicants, their parents, the adult responsible for him, their representatives or the person referred to in regulation 15(2)(a) are informed, prior to the examination of their application for international protection, and in a language that they understand and in a child-friendly and age appropriate manner, of the possibility that their age might be assessed by means of a medical examination and that shall include information –
 - (a) on the method of examination;

- (b) on possible consequences which the result of the medical examination might have for the examination of the application; and
- (c) on the possibility and consequences of a refusal on the part of the applicant to undergo the medical examination,

and all documents relating to the medical examination shall be included in the applicant's file.

- (6) A medical examination to assess the age of applicants shall only be carried out where the applicants, their parents, the adult responsible referred to in subregulation (5), their representative or the person referred to in regulation 15(2)(a) consent after having received the information provided for in subregulation (5).
- (7) The refusal by the applicants, their parents, the adult responsible referred to in subregulation (5), their representative or the person referred to in regulation 15(2)(a), to have a medical examination carried out for the purposes of the age assessment shall not prevent the Authority from taking a decision on the application for international protection and such refusal may only be considered to be a rebuttable presumption that the applicant is not a minor.”.

(22) In regulation 16, in subregulations (1) and (2) for “asylum” substitute “international protection”.

(23) In regulation 17–

- (a) in the title for “**asylum**” substitute “**international protection**”;
- (b) in subregulations (1), (3) and (4) for “asylum” substitute “international protection” on each occasion the word appears;
- (c) in subregulation (4)–
 - (i) in paragraph (a)(i) after “2008” insert “or has not provided his biometric data”;
 - (ii) after paragraph (a)(ii) insert–
 - “(iii) has not, without good cause, lodged his application in accordance with regulation 5, despite having had an effective opportunity to do so.”;
- (d) after subregulation (7) insert–
 - “(8) The Authority shall, at the time of the withdrawal of the application under this regulation, inform the applicant in accordance with regulation 9, of all the procedural consequences of such a withdrawal in a language he understands or is reasonably supposed to understand.”.

(24) In regulation 18 for “asylum” substitute “international protection” on each occasion the word appears.

(25) In regulation 19–

(a) in paragraph (a)–

- (i) for “applications for asylum” substitute “applications for international protection”;
- (ii) for “application for asylum” substitute “application”;
- (iii) for “applicant for asylum” substitute “applicant”.

(26) In regulation 20–

(a) for “asylum” substitute “international protection” on each occasion that word appears;

(b) in subregulation (5)–

- (i) in paragraph (g) after “Regulations” insert “2008”;
- (ii) in paragraph (n) delete “or”;
- (iii) in paragraph (o) for “.” substitute “; or”;
- (iv) after paragraph (o) insert–

“(p) the applicant entered Gibraltar lawfully and, without good reason, has not made an application for international protection as soon as possible, given the grounds of his application; this point is without prejudice to the need of international protection arising sur place.”;

(c) after subregulation (5) insert–

“(6) The prioritised or accelerated examination procedure referred to in subregulation (5) may be applied to unaccompanied minors only where–

- (a) the applicant comes from a third country that may be considered to be a safe country of origin within the meaning of these Regulations;
- (b) there are reasonable grounds to consider the applicant as a danger to the national security or public order of Gibraltar or the applicant had been forcibly expelled from Gibraltar for serious reasons of national security or public order;

- (c) the application is a subsequent application which is not inadmissible;
- (d) the applicant, after having been provided with the full opportunity to show good cause, is considered to have intentionally misled the Authority by presenting false information or documents or by withholding relevant information or documents, particularly with respect to his identity or nationality, that could have had a negative impact on the decision or there are clear grounds to consider that the applicant has, in bad faith, destroyed or disposed of an identity or travel document in order to prevent the establishment of his identity or nationality.”.

(27) In regulation 21–

- (a) in the title for “**asylum**” substitute “**international protection**”;
- (b) in subregulation (1)–
 - (i) for “In addition to cases in which an application for asylum is not examined in accordance with Regulation (EC) No 343/2003, the Authority” substitute “The Authority”;
 - (ii) after “refugee” insert “or for subsidiary protection”;
 - (iii) for “application for asylum” substitute “application for international protection”;
- (c) in subregulation (2)–
 - (i) in the opening paragraph for “asylum” substitute “international protection”;
 - (ii) in paragraph (a) for “refugee status” substitute “international protection”;
 - (iii) in paragraph (d)(i) for “the refugee status” substitute “refugee or subsidiary protection status”;
 - (iv) in paragraph (e) for “asylum” substitute “international protection” and delete “or”;
 - (v) in paragraph (f) for “asylum” substitute “international protection” on each occasion the word appears and for “.” substitute “;”;
 - (vi) after paragraph (f) insert–
 - “(g) an international criminal court or tribunal has provided safe relocation for the applicant to a third country, or is unequivocally undertaking actions to that extent, unless new relevant circumstances have arisen

which have not been taken into account by the court or tribunal or where there was no legal possibility to raise circumstances relevant to internationally recognised human rights standards before that international criminal court or tribunal; or

- (h) the applicant concerned was issued with a return decision in accordance with Part VA and made his application only after seven working days from the date on which the applicant received that return decision, provided that he had been informed of the consequences of not making an application within that time limit and that no new relevant elements have arisen since the end of that period.”;

(d) after subregulation (2) insert–

- “(3) The Authority shall reject an application as inadmissible where the application is a subsequent application where no new relevant elements as referred to in regulation 26(2) relating to the examination of whether the applicant qualifies as a beneficiary of international protection in accordance with the Asylum Regulations 2008 or relating to the inadmissibility ground previously applied, have arisen or have been presented by the applicant.”.

(28) After regulation 21 insert–

“The notion of effective protection.

21A.(1) A third country that has ratified and respects the Geneva Convention within the limits of the derogations or limitations made by that third country, as permitted under that Convention, shall be considered to ensure effective protection and in the case of geographical limitations made by the third country, the existence of protection for persons who fall outside of the scope of the Geneva Convention shall be assessed in accordance with the criteria set out in subregulation (2).

(2) In cases other than that referred to in subregulation (1), the third country shall be considered to ensure effective protection only where the following criteria are met as a minimum–

- (a) the persons referred to in subregulation (1) are allowed to remain on the territory of the third country in question;
- (b) the persons referred to in subregulation (1) have access to means of subsistence sufficient to maintain an adequate standard of living with regard to the overall situation of that hosting third country;
- (c) the persons referred to in subregulation (1) have access to healthcare and essential treatment for illnesses under the conditions generally provided for in that third country;

- (d) the persons referred to in subregulation (1) have access to education under the conditions generally provided for in that third country; and
- (e) effective protection remains available until a durable solution can be found.”.

(29) In regulation 22–

- (a) in the title for “**asylum**” substitute “**international protection**”;
- (b) in subregulation (1)–
 - (i) in the opening paragraph for “asylum if that applicant” substitute “international protection if”;
 - (ii) for paragraph (a) substitute–
 - “(a) that applicant enjoyed effective protection in accordance with the Geneva Convention or enjoyed effective protection as referred to in regulation 21A(2) before travelling to Gibraltar and he can still avail himself of that protection;”;
 - (iii) for paragraph (b) substitute–
 - “(b) that applicant is protected by the principle of non-refoulement and against removal in violation of the right to protection from torture and cruel, inhuman or degrading treatment or punishment as laid down in international law;
 - (c) the applicant’s life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;
 - (d) the applicant faces no real risk of serious harm as defined in regulation 37 of the Asylum Regulations 2008.”;
- (c) in subregulation (2) for “asylum” substitute “international protection”;
- (d) after subregulation (2) insert–
 - “(3) The concept of first country of asylum may only be applied provided that the applicant cannot provide elements justifying why the concept of first country of asylum is not applicable to him, in the framework of an individual assessment.
 - (4) A third country may only be considered to be a first country of asylum for an unaccompanied minor where it is not contrary to his best interests and where the Authority has first received from the authorities of the country

in question the assurance that the unaccompanied minor will be taken in charge by those authorities and that he will immediately benefit from effective protection as defined in regulation 21A.

- (5) Where an application is rejected as inadmissible as a result of the application of the concept of first country of asylum, the Authority shall—
 - (a) inform the applicant in accordance with regulation 8; and
 - (b) provide him with a document informing the authorities of the country in question, in the language of that country, that the application has not been examined in substance as a consequence of the application of the concept of first country of asylum.
- (6) Where the country in question does not readmit the applicant to its territory or does not reply within a time limit set by the Authority, the applicant shall have access to the procedure in accordance with the basic principles and guarantees provided for in Part III.”.

(30) In regulation 23—

- (a) in subregulation (1)—
 - (i) in the opening paragraph for “asylum” substitute “international protection”;
 - (ii) in paragraph (c) after the semicolon delete “and”;
 - (iii) for paragraph (d) substitute—
 - “(d) the possibility exists to request and, where conditions are fulfilled, receive effective protection as defined in regulation 21A; and”;
 - (iv) after paragraph (d) insert—
 - “(e) the person faces no real risk of serious harm as defined in regulation 37 of the Asylum Regulations 2008.”.
- (b) after subregulation (1) insert—
 - “(1A) The designation of a third country as a safe third country may be made with exceptions for specific parts of its territory or clearly identifiable categories of persons and an assessment made under this regulation shall be based on a range of relevant and available international sources, including the UNHCR.
 - (1B) The concept of safe third country may be applied –

- (a) where a third country has been designated under this regulation;
 - (b) in relation to a specific applicant where the country has not been designated, provided that the conditions in subregulation (1) are met.
- (1C) A third country may only be considered to be a safe third country for an unaccompanied minor where it is not contrary to his best interests and where the Authority has first received from the authorities of the third country in question the assurance that the unaccompanied minor will be taken in charge by those authorities and that he will immediately have access to effective protection as defined in regulation 21A.”;
- (c) in subregulation (2)(a)–
 - (i) for “asylum” substitute “international protection”;
 - (ii) after “that country” insert “and the applicant cannot provide elements justifying why the concept of safe third country is not applicable to him”;
 - (d) after subregulation (2) insert–

“(2A) Where an application is rejected as inadmissible as a result of the application of the concept of safe third country, the Authority shall–

 - (a) inform the applicant in accordance with regulation 8; and
 - (b) provide him with a document informing the authorities of the third country in question, in the language of that country, that the application has not been examined in substance as a consequence of the application of the concept of safe third country.”;
 - (e) in subregulations (3) and (4) for “asylum” substitute “international protection”;
 - (f) delete subregulation (5);
 - (g) after subregulation (5) insert–

“(6) Third countries may only be designated as safe countries of origin in accordance with this regulation where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is no persecution as defined in regulation 29 of the Asylum Regulations 2008 and no real risk of serious harm as defined in regulation 37 of those Regulations.”.
- (31) In regulation 24–
- (a) in the title for “**asylum**” substitute “**international protection**”;

- (b) in subregulation (1)–
 - (i) for “Without prejudice to regulation 17, the Authority” substitute “The Authority”;
 - (ii) after “refugee” insert “or subsidiary protection”;
 - (c) in subregulation (2)–
 - (i) for “asylum” substitute “international protection” on both occasions the word appears;
 - (ii) for “(c)(i) to (o)” substitute “(c) to (p) and subregulation (6)”.
- (32) In regulation 25–
- (a) in subregulation (1)–
 - (i) for “pursuant to Article 29 or 30 of the Directive” substitute “by the Authority”;
 - (ii) for “asylum” substitute “international protection”;
 - (iii) in paragraph (a) delete “or”;
 - (iv) in paragraph (b) for “,” substitute “; or”;
 - (v) after paragraph (b) insert –
 - “(c) does not belong to a category of persons for which an exception was made when designating the third country as a safe country of origin,”;
 - (b) in subregulation (2)–
 - (i) for “asylum” substitute “international protection”;
 - (ii) delete “pursuant to Article 29 of the Directive”;
 - (iii) after subregulation (3) insert–
 - “(4) Third countries may only be designated as safe countries of origin in accordance with this regulation where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is no persecution as defined in regulation 29 of the Asylum Regulations 2008 and no real risk of serious harm as defined in regulation 37 of those Regulations.

(5) The designation of a third country as a safe country of origin may be made with exceptions for specific parts of its territory or clearly identifiable categories of persons.

(6) The assessment of whether a third country is a safe country of origin in accordance with this regulation shall be based on a range of relevant and available international sources of information, including information from the UNHCR.

(7) In making the assessment referred to in subregulation (6), account shall be taken, inter alia, of the extent to which protection is provided against persecution or serious harm by–

(a) the relevant laws and regulations of the country and the manner in which they are applied;

(b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms or the International Covenant for Civil and Political Rights or the United Nations Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention;

(c) the absence of expulsion, removal or extradition of own citizens to third countries where, inter alia, there is a serious risk that they would be subjected to the death penalty, torture, persecution or other inhuman or degrading treatment or punishment, or where their lives or freedom would be threatened on account of their race, religion, nationality, sexual orientation, membership of a particular social group or political opinion, or from which there is a serious risk of expulsion, removal or extradition to another third country;

(d) the provision for a system of effective remedies against violations of those rights and freedoms.”.

(33) In regulation 26–

(a) in the title for “asylum” substitute “international protection”;

(b) in subregulation (1)–

(i) in the opening paragraph for “asylum” substitute “international protection”;

(ii) in paragraph (a) for “subsequent application for asylum” substitute “subsequent application” on both occasions the words appear;

- (iii) for “previous application for asylum” substitute “previous application for international protection”;
 - (iv) in paragraph (b)(i) for “asylum” substitute “international protection”;
 - (v) in paragraph (b)(ii) delete “for asylum”;
 - (c) in subregulation (2)–
 - (i) in the opening paragraph for “asylum” substitute “international protection”;
 - (ii) in paragraphs (a) and (b) delete “for asylum”;
 - (d) in subregulations (3), (4), (6), (7), (8), (10) and (11) delete “for asylum”.
- (34) In regulation 27–
- (a) in subregulation (1)–
 - (i) in the opening paragraph for “asylum” substitute “international protection”;
 - (ii) in paragraph (d) delete “for asylum”;
 - (b) in subregulations (2), (3) and (4) for “asylum” substitute “international protection” on each occasion the word appears.
- (35) In regulation 28 for “asylum” substitute “international protection” on each occasion the word appears.
- (36) In the title for PART V for “*refugee status*” substitute “*international protection*”.
- (37) In regulation 29–
- (a) in the title for “**refugee status**” substitute “**international protection**”;
 - (b) for “refugee status” substitute “international protection” on both occasions the words appear.
- (38) In regulation 30–
- (a) in the title for “**refugee status**” substitute “**international protection**”;
 - (b) in subregulation (1)–
 - (i) for “refugee status” substitute “international protection” on each occasion the words appear;

- (ii) for “should not be withdrawn.” substitute—
 - “should not be withdrawn,
 - (c) he shall be informed of the consequences of not cooperating with the Authority and other competent authorities and that failure to submit the written statement and to attend the personal interview without due justification shall not prevent the Authority from taking a decision to withdraw international protection; and
 - (d) he shall be given the opportunity to submit reasons as to why his international protection should not be withdrawn by means of a written statement within reasonable time from the date on which he receives the information referred to in paragraph (a) and in a personal interview a date set by the Authority.”;
- (c) in subregulation (2)(b)—
 - (i) for “refugee status” substitute “international protection status”;
 - (ii) for “refugee whose” substitute “beneficiary of international protection whose”;
- (d) in subregulation (4) for “refugee” substitute “international protection”;
- (e) in subregulation (5)—
 - (i) for “the refugee status” substitute “the international protection status”;
 - (ii) for “the refugee has” substitute “the beneficiary of international protection has”;
 - (iii) for “as a refugee” substitute “as such a beneficiary or has become a national of a Member State or has been granted international protection by a Member State, and a decision under this subregulation shall be recorded in the applicant’s file”;
- (f) after subregulation (5)—
 - “(6) Where the third-country national or stateless person does not cooperate by not submitting a written statement, by not attending the personal interview, or by not answering questions without due justification, the absence of the written statement or the personal interview shall not prevent the Authority from taking a decision to withdraw international protection and such a refusal to cooperate may only be considered to be a rebuttable presumption that the third-country national or stateless person no longer wishes to benefit from international protection.”.

(39) After PART V insert the following PART–

“PART VA
Return decisions

Non-refoulement, best interests of the child, family life and state of health.

30A. When making a decision under this Part, the Authority shall take into account–

- (a) the best interests of the child;
- (b) family life;
- (c) the state of health of the third-country national concerned,

and respect the principle of non-refoulement.

Return decision.

- 30B.(1) The Authority shall issue a return decision to any third country national staying illegally in Gibraltar, without prejudice to the exceptions referred to in subregulations (2) to (5).
- (2) Third-country nationals staying illegally in Gibraltar and holding a valid residence permit or other authorisation offering a right to stay issued by a Member State shall be required to go to the territory of that Member State immediately and in the event of non-compliance by the third-country national concerned with this requirement, or where the third-country national’s immediate departure is required for reasons of public policy or national security, subregulation (1) shall apply.
 - (3) The Authority may refrain from issuing a return decision to a third-country national staying illegally in Gibraltar if the third-country national concerned is taken back by a Member State under bilateral agreements or arrangements.
 - (4) The Authority may at any moment decide to grant an autonomous residence permit or other authorisation offering a right to stay for compassionate, humanitarian or other reasons to a third-country national staying illegally in Gibraltar and in that event no return decision shall be issued and where a return decision has already been issued, it shall be withdrawn or suspended for the duration of validity of the residence permit or other authorisation offering a right to stay.
 - (5) If a third-country national staying illegally in Gibraltar is the subject of a pending procedure for renewing his residence permit or other authorisation offering a right to stay, the Authority shall consider refraining from issuing a return decision, until the pending procedure is finished, without prejudice to subregulation (6).

- (6) This Part shall not prevent the Authority from adopting a decision on the ending of a legal stay together with a return decision and/or a decision on a removal and/or entry ban in a single administrative act, without prejudice to the procedural safeguards available under these Regulations and under other relevant provisions of Gibraltar law.

Voluntary departure.

- 30C.(1) A return decision shall allow for a period for voluntary departure of up to 7 days, without prejudice to the exceptions referred to in subregulations (2) and (4) and such a period shall be granted only following an application by the third-country national concerned and in such a case, the Authority shall inform the third-country national concerned of the possibility of submitting such an application.
- (2) The Authority shall, where necessary, extend the period for voluntary departure by an appropriate period, taking into account the specific circumstances of the individual case, such as the length of stay, the existence of children attending school and the existence of other family and social links.
- (3) Certain obligations aimed at avoiding the risk of absconding, such as regular reporting to the authorities, deposit of an adequate financial guarantee, submission of documents or the obligation to stay at a certain place may be imposed for the duration of the period for voluntary departure.
- (4) If there is a risk of absconding, or if an application for a legal stay has been dismissed as manifestly unfounded or fraudulent, or if the person concerned poses a risk to public policy, public security or national security, the Authority may refrain from granting a period for voluntary departure, or may grant a period shorter than 7 days.

Removal.

- 30D.(1) The Principal Immigration Officer shall take all necessary measures to enforce the return decision in accordance with the Immigration, Asylum and Refugee Act, if no period for voluntary departure has been granted in accordance with regulation 30C(4) or if the obligation to return has not been complied with within the period for voluntary departure granted in accordance with regulation 30C.
- (2) If the Authority has granted a period for voluntary departure in accordance with regulation 30C, the return decision may be enforced only after the period has expired, unless a risk as referred to in regulation 30C(4) arises during that period.
- (3) Where the Principal Immigration Officer uses, as a last resort, coercive measures to carry out the removal of a third-country national who resists removal, such measures shall be proportionate and shall not exceed reasonable force, in accordance with Gibraltar law and with due respect for the dignity and physical integrity of the third-country national concerned.

- (4) The Government shall provide for an effective forced-return monitoring system.

Postponement of removal.

30E.(1) The Principal Immigration Officer shall postpone removal—

- (a) when it would violate the principal of non-refoulement; or
 - (b) for as long as a suspensory effect is granted under these Regulations.
- (2) The Principal Immigration Officer may postpone removal for an appropriate period taking into account the specific circumstances of the individual case and shall in particular take into account—
- (a) the third-country national's physical state or mental capacity;
 - (b) technical reasons, such as lack of transport capacity, or failure of the removal due to lack of identification.
- (3) If a removal is postponed as provided for in subregulations (1) and (2), the obligations set out in regulation 30C(3) may be imposed on the third-country national concerned.

Return and removal of unaccompanied minors.

- 30F.(1) Before deciding to issue a return decision in respect of an unaccompanied minor, assistance by appropriate authorities other than the Authority shall be granted with due consideration being given to the best interests of the child.
- (2) Before removing an unaccompanied minor from Gibraltar, the authorities referred to in subregulation (1) shall be satisfied that he will be returned to a member of his family, a nominated guardian or adequate reception facilities in the State of return.

Entry ban.

30G.(1) Return decisions shall be accompanied by an entry ban—

- (a) if no period for voluntary departure has been granted; or
 - (b) if the obligation to return has not been complied with.
- (2) Return decisions may be accompanied by an entry ban in other cases not referred to in subregulation (1).
- (3) The length of the entry ban shall be determined with due regard to all relevant circumstances of the individual case and shall not in principle exceed five years unless the third-country national represents a serious threat to public policy, public security or national security.

- (4) The Authority shall consider withdrawing or suspending an entry ban where a third-country national who is the subject of an entry ban issued in accordance with subregulation (2) can demonstrate that he has left Gibraltar in full compliance with a return decision.
- (5) The Authority may refrain from issuing, withdraw or suspend an entry ban in individual cases for humanitarian reasons and may withdraw or suspend an entry ban in individual cases or certain categories of cases for other reasons.

Procedural safeguards – form.

- 30H.(1) Return decisions and, if issued, entry-ban decisions and decisions on removal shall be issued in writing and give reasons in fact and in law as well as information about available legal remedies.
- (2) The information on reasons in fact may be limited where information must be restricted, in particular in order to safeguard national security, defence, public security and for the prevention, investigation, detection and prosecution of criminal offences.
 - (3) The Authority shall provide, upon request, a written or oral translation of the main elements of decisions related to return, including information on the available legal remedies in a language the third-country national understands or may reasonably be presumed to understand.
 - (4) The Authority may decide not to apply subregulation (3) to third country nationals who have illegally entered Gibraltar and who have not subsequently obtained an authorisation or a right to stay in Gibraltar.
 - (5) In the cases referred to in subregulation (4) decisions related to return shall be given by means of a prescribed form and generalised information sheets explaining the main elements of the standard form in at least five of those languages which are most frequently used or understood by illegal migrants entering Gibraltar shall be provided.

Safeguards pending return.

- 30I.(1) The Authority shall, with the exception of the situation covered in regulations 30K and 30L, ensure that the following principles are taken into account as far as possible in relation to third-country nationals during the period for voluntary departure granted in accordance with regulation 30C and during periods for which removal has been postponed in accordance with regulation 30E–
- (a) family unity with family members present in Gibraltar is maintained;
 - (b) emergency health care and essential treatment of illness are provided;

- (c) minors are granted access to the basic education system subject to the length of their stay;
 - (d) special needs of vulnerable persons are taken into account.
- (2) The Authority shall provide the persons referred to in subregulation (1) with a written confirmation in accordance that the period for voluntary departure has been extended in accordance with regulation 30C(2) or that the return decision will temporarily not be enforced.

Detention for the purpose of removal.

30J.(1) Unless other sufficient but less coercive measures can be applied effectively in a specific case, a third-country national who is the subject of return procedures may only be kept in detention in order to prepare the return and/or carry out the removal process, in particular when–

- (a) there is a risk of absconding; or
- (b) the third-country national concerned avoids or hampers the preparation of return or the removal process,

and any detention shall be for as short a period as possible and only maintained as long as removal arrangements are in progress and executed with due diligence.

- (2) Detention shall be ordered by the Magistrates' Court in writing with reasons being given in fact and in law.
- (3) In every case, detention shall be reviewed at reasonable intervals of time either on application by the third-country national concerned or ex officio and in the case of prolonged detention periods, reviews shall be subject to the supervision of the Magistrates' Court.
- (4) When it appears that a reasonable prospect of removal no longer exists for legal or other considerations or the conditions laid down in subregulation (1) no longer exist, detention ceases to be justified and the person concerned shall be released immediately.
- (5) Detention shall be maintained for as long a period as the conditions laid down in subregulation (1) are fulfilled and it is necessary to ensure successful removal and a period of detention under this regulation shall not exceed six months.
- (6) The period referred to in subregulation (5) may not be extended except for a limited period not exceeding a further twelve months in cases where regardless of all their reasonable efforts the removal operation is likely to last longer owing to–
- (a) a lack of cooperation by the third-country national concerned; or

- (b) delays in obtaining the necessary documentation from third countries.

Conditions for detention.

- 30K.(1) Detention shall take place as a rule in specialised detention facilities and where such accommodation cannot be provided and prison accommodation is used, the third-country nationals in detention shall be kept separated from ordinary prisoners.
- (2) Third-country nationals in detention shall be allowed, on request, to establish in due time contact with legal representatives, family members and competent consular authorities.
 - (3) Particular attention shall be paid to the situation of vulnerable persons and emergency health care and essential treatment of illness shall be provided.
 - (4) Relevant and competent national, international and nongovernmental organisations and bodies shall have the possibility to visit detention facilities to the extent that they are being used for detaining third-country nationals and such visits may be subject to authorisation.
 - (5) Third-country nationals kept in detention shall be systematically provided with information which explains the rules applied in the facility and sets out their rights and obligations and such information shall include information on their entitlement to contact the organisations and bodies referred to in subregulation (4).
 - (6) In situations where an exceptionally large number of third-country nationals to be returned places an unforeseen heavy burden on the capacity of detention facilities, the requirement in subregulation (1) may be derogated from.

Detention of minors and families.

- 30L.(1) Unaccompanied minors and families with minors shall only be detained as a measure of last resort and for the shortest appropriate period of time.
- (2) Families detained pending removal shall be provided with separate accommodation guaranteeing adequate privacy.
 - (3) Minors in detention shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age, and shall have, depending on the length of their stay, access to education.
 - (4) Unaccompanied minors shall as far as possible be provided with accommodation in institutions provided with personnel and facilities which take into account the needs of persons of their age.
 - (5) The best interests of the child shall be a primary consideration in the context of the detention of minors pending removal.”.

(40) In regulation 31–

(a) in subregulation (1)–

- (i) in paragraph (a) for “asylum” substitute “international protection” on both occasions the word appears;
- (ii) after paragraph (a)(iii) insert–
 - “(iv) a decision rejecting an application as unfounded, manifestly unfounded or implicitly withdrawn pursuant to regulation 8;”;
- (iii) in paragraph (b) and (c) for “asylum” substitute “international protection”;
- (iv) in paragraph (d) for “refugee status pursuant to regulation 30” substitute “international protection pursuant to regulation 30, with the exception of subregulation (5)”;
- (v) after paragraph (d) insert –
 - “(e) a return decision pursuant to regulation 30B or an entry ban decision pursuant to regulation 30G.”;

(b) after subregulation (1) insert–

- “(1A) Where a return decision is taken as a part of a related decision as referred to in points (a), (b), (c) or (d) of subregulation (1), the return decision shall be appealed jointly with that related decision, before the Supreme Court and where a return decision is issued as a separate act pursuant to regulation 8A, it may be appealed in separate proceedings.”;

(c) after subregulation (9) insert–

- “(10) Where the Supreme Court considers it necessary, it shall ensure the translation of relevant documents that have not already been translated in accordance with regulation 7(3A) and alternatively, translations of those relevant documents may be provided by other entities and paid for from public funds.
- (11) An applicant, a person subject to withdrawal of international protection and a person recognised as eligible for subsidiary protection may, at his own cost, ensure the translation of other documents.
- (12) Where the documents are not submitted in due time, as determined by the Supreme Court, in the event that the translation is to be provided by the applicant, or where documents are not submitted in time for the court to

ensure that they are translated in the event that the translation is ensured by the court, the court may refuse to take those documents into account.

- (13) The following time limits shall apply in respect of applicants, persons subject to withdrawal of international protection and persons recognised as eligible for subsidiary protection to lodge appeals against the decisions referred to in subregulation (1)–
- (a) 5 days in the case of a decision rejecting an application as inadmissible, as implicitly withdrawn, as unfounded or as manifestly unfounded if at the time of the decision any of the circumstances referred to in regulation 20(5) or (6) apply;
 - (b) two weeks in all other cases.
- (14) The time limits referred to in subparagraph (13) shall start to run from the date on which the decision of the Authority or, in the case of withdrawal of international protection the Supreme Court, is notified to the applicant, the person subject to withdrawal of international protection, the person recognised as eligible for subsidiary protection or to his representative or legal adviser legally representing the applicant.”.

(41) After regulation 31 insert–

“Suspensive effect of appeal.

- 31A.(1) The effects of a return decision shall be automatically suspended for as long as an applicant or a person subject to withdrawal of international protection has a right to remain or is allowed to remain in accordance with this regulation.
- (2) Applicants and persons subject to withdrawal of international protection shall have the right to remain in Gibraltar until the time limit within which they can exercise their right to an appeal under regulation 31 has expired and, where such a right has been exercised within the time limit, pending the outcome of the remedy.
- (3) Without prejudice to the principle of non-refoulement, the applicant and the person subject to withdrawal of international protection shall not have the right to remain pursuant to subregulation (2) where the Authority has taken one of the following decisions–
- (a) a decision which rejects an application as unfounded or manifestly unfounded if at the time of the decision–
 - (i) the applicant is subject to a prioritised or accelerated examination pursuant to regulation 20(5) or (6);
 - (ii) the applicant is subject to the border procedure, except where the applicant is an unaccompanied minor.

- (b) a decision which rejects an application as inadmissible, except where the applicant is an unaccompanied minor subject to the border procedure;
 - (c) a decision which rejects an application as implicitly withdrawn;
 - (d) a decision which rejects a subsequent application as unfounded or manifestly unfounded; or
 - (e) a decision to withdraw international protection.
- (4) In the cases referred to in subregulation (3), the Supreme Court shall have the power to decide, following an examination of both facts and points of law, whether or not the applicant or the person subject to withdrawal of international protection should be allowed to remain in Gibraltar pending the outcome of the remedy, upon the request of the applicant or of the person subject to withdrawal of international protection and the court shall have the power to decide on this matter *ex officio*.
- (5) For the purposes of subregulation (4), the following conditions shall apply where relevant in the light of any *ex officio* decisions–
- (a) the applicant or the person subject to withdrawal of international protection shall have a time limit of at least five days from the date on which the decision is notified to him to request to be allowed to remain in Gibraltar pending the outcome of the remedy;
 - (b) the applicant or the person subject to withdrawal of international protection shall be provided with interpretation in the event of a hearing before the Supreme Court, where appropriate communication cannot otherwise be ensured;
 - (c) the applicant or the person subject to withdrawal of international protection shall be provided, upon request, with free legal assistance and representation in accordance with regulation 14;
 - (d) the applicant or the person subject to withdrawal of international protection shall not be removed from Gibraltar–
 - (i) until the time limit for requesting the Supreme Court to be allowed to remain has expired;
 - (ii) where the applicant or the person subject to withdrawal of international protection has requested to be allowed to remain within the set time limit, pending the decision of the court on whether or not the applicant or the person subject to withdrawal of international protection shall be allowed to remain in Gibraltar;

- (e) the applicant or the person subject to withdrawal of international protection shall be duly informed in a timely manner of her or his rights under this subregulation.
 - (6) In cases of subsequent applications, by way of derogation from subregulation (5)(d), the applicant shall not have a right to remain, without prejudice to the respect of the principle of non-refoulement, if the appeal is considered to have been lodged merely in order to delay or frustrate the enforcement of a return decision which would result in the applicant's imminent removal from Gibraltar.
 - (7) An applicant or a person subject to withdrawal of international protection who lodges a further appeal against a first or subsequent appeal decision shall not have a right to remain in Gibraltar, without prejudice to the possibility for the Supreme Court to allow the applicant or the person subject to withdrawal of international protection to remain upon the request of the applicant or of the person subject to withdrawal of international protection or acting ex officio in cases where the principle of non-refoulement is invoked.”.
- (42) For regulation 33 substitute—

“Confidentiality.

- 33.(1) The Authority shall be bound by the principle of confidentiality in relation to any personal information they acquire in the performance of their duties and must not disclose any information that it obtains in the course of those duties in relation to an application for international protection except as provided for in these Regulations.
- (2) Throughout the procedure for international protection and after a final decision on the application has been taken, the Authority shall not—
- (a) disclose information regarding the individual application for international protection or the fact that an application has been made, to alleged actors of persecution or serious harm;
 - (b) obtain any information from the alleged actors of persecution or serious harm in a manner that would result in such actors being informed of the fact that an application has been made by the applicant in question.”.

- (43) After regulation 33 insert—

“Data storage.

- 34.(1) The Authority shall store the data referred to in regulations 5, 10(1)(e) and 13 for ten years from the date of a final decision on the application for international protection and such data shall be erased upon expiry of that period or where they are related to a person who has acquired citizenship before expiry of that period.

- (2) All data shall be stored in compliance with the Data Protection Act 2004, including the principle of purpose and storage limitation.

Calculation of time limits.

35. Unless otherwise provided, any period of time prescribed in these Regulations shall be calculated as follows—

- (a) a period expressed in days, weeks or months shall be calculated from the time an event occurs or an action takes place; the day on which that event occurs or that action takes place shall not itself be counted as falling within the period in question;
- (b) a period expressed in weeks or months shall end with the expiry of whichever day in the last week or month is the same day of the week, or falls on the same date of the month, respectively as the day on which the event or action from which the period is to be calculated occurred or took place; where, in a period expressed in months, the day on which it should expire does not occur in the last month of the period, the period shall end at midnight of the last day of that last month;
- (c) time limits shall include Saturdays, Sundays and official holidays; where a time limit ends on a Saturday, Sunday or official holiday, the next working day shall be counted as the last day of the time limit.”.

Dated: 14th July 2026.

F R PICARDO,
Chief Minister,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Asylum Regulations 2008 and the Asylum (Procedures) Regulations 2012 in order to implement Article 53 of the Treaty on Gibraltar and the European Union.

Copies may be purchased at 6, Convent Place, Price. £5.00