

**A.L. 288 tal-2015**

**ATT DWAR L-IMMIGRAZZJONI  
(KAP. 217)**

**Regolamenti tal-2015 dwar il-Programm ta' Malta  
dwar Residenza u Visa**

BIS-SAHHA tas-setgħat mogħtija bl-artikoli 7 u 8 tal-Att dwar l-Immigrazzjoni, il-Ministru għall-Intern u s-Sigurtà Nazzjonali għamel ir-regolamenti li ġejjin:-

**1.** It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2015 dwar il-Programm ta' Malta dwar Residenza u Visa. Titolu.

**2.** (1) Għall-finijiet ta' dawn ir-regolamenti, kemm-il darba r-rabta ta' kliem ma tkunx teħtiegħ xort' oħra - Tifsir.

"aġent approvat u, jew persuna akkreditata" tfisser persuna li jkollha *warrant* biex teżerċita l-professjoni ta' avukat skont il-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, persuna li jkollha *warrant* biex teżerċita l-professjoni ta' prokuratur legali skont il-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, persuna li għet maħtura nutar pubbliku skont id-dispożizzjonijiet tal-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, persuna li jkollha *warrant* biex teżerċita l-professjoni ta' *accountant* skont l-Att dwar il-Professjoni tal-*Accountancy*, persuna li tkun membru tal-*Malta Institute of Taxation* jew persuna li tkun membru tal-*Malta Institute of Accountants*, jew persuna li tkun membru tal-*Malta Institute of Management*. Kap. 12.  
Kap. 55.  
Kap. 281.

Izda persuna li ma tkunx individwu, li jkollha mill-inqas 75% (direttament jew indirettament) tal-azzjonisti, imsieħba jew membri oħra tagħha, kif ikun il-każ, li jkunu persuni fil-pussess tal-*warrants* hawn fuq imsemmija jew hija membru ta' xi wieħed mill-*institutes* hawn fuq imsemmija, għandha tigi kkunsidrata bħala aġent approvat u, jew persuna akkreditata;

"aġent approvat reġistrat u, jew persuna akkreditata reġistrata" tfisser persuna jew entità li tkun issodisfat il-kriterji stabbiliti minn Identità Malta u li fi kwalunkwe każ hi diġà rreġistrata bħala mandatarju awtorizzat reġistrat mad-Dipartiment tat-Taxxi Interni jew hi diġà rreġistrata bħala aġent approvat jew reġistrata bħal persuna akkreditata ma' Identità Malta taħt xi skema jew regolament iehor;

"applikazzjoni" tfisser applikazzjoni preżentata skont ir-

regolament 5;

Kap. 217.

"l-Att" tfisser l-Att dwar l-Immigrazzjoni;

"beneficjarju" tfisser cittadin ta' pajjiż terz li jkun inhariglu ċertifikat skont dawn ir-regolamenti;

"ċittadin ta' pajjiż terz" tfisser persuna li ma tkunx ċittadin tal-Unjoni Ewropea fi ħdan it-tifsira tal-Artikolu 20 tat-Trattat dwar l-Unjoni Ewropea u t-Trattat dwar il-Funzjonament tal-Unjoni Ewropea:

Iżda, għall-finijiet ta' dawn ir-regolamenti, ċittadini taż-ŻEE u ċittadini tal-Isvizzera m'għandhomx jiġu kkunsidrati bhala ċittadini ta' pajjiż terz;

"dipendenti" għar-rigward ta' persuna oħra tfisser -

(a) il-konjuġi tal-applikant ewlieni fi żwieġ monogamu jew f'relazzjoni oħra li għandha l-istess status jew status simili għal dak ta' żwieġ, sakemm il-Ministru ma jawtorizzax mod ieħor fuq bażi ta' każ b'każ;

(b) tfal, inkluzi tfal adottati, tal-applikant ewlieni jew tal-konjuġi tiegħu li għandhom inqas minn tmintax-il sena;

(ċ) tfal tal-applikant ewlieni jew tal-konjuġi tiegħu li għandhom bejn it-tmintax u s-sitta u għoxrin sena li ma jkunux miżżewġa u li jagħtu prova, għas-sodisfazzjon tal-Ministru, li mhumiex attivi ekonomikament u li huma mantnuti prinċipalment minn dik il-persuna;

(d) ġenitur jew in-nanniet tal-applikant ewlieni jew tal-konjuġi tiegħu li jipprovdu prova għas-sodisfazzjon ta-Ministru, li mhumiex attivi ekonomikament u li huma mantnuti prinċipalment minn dik il-persuna; jew

(e) tfal tal-applikant ewlieni jew tal-konjuġi tal-applikant ewlieni li għandhom tal-inqas tmintax-il sena, u li jkunu ġew ċertifikati minn professjonist mediku reġistrat bhala li għandhom diżabilità skont l-Att dwar Opportunitajiet Indaqgħal Persuni b'Diżabilità, u jgħixu ma' u huma mantnuti kompletament mill-applikant ewlieni;

Kap. 413.

u fi kwalunkwe każ mhuwiex benefiċjarju taht ir-Regolamenti dwar L.S. 123.79  
 Skema għal Residenti, ir-Regoli dwar Individwi ta' Valur Nett Għoli - L.S. 123.129  
 Ċittadini tal-UE / ŻEE / Svizzera, ir-Regoli dwar il-Programm ta' L.S. 123.134  
 Irtirar f'Malta, ir-Regoli dwar il-Programm ta' Residenza, ir-Regoli L.S. 123.160  
 dwar Impjiegi Kwalifikanti fl-Innovazzjoni u fil-Kreattività jew taht L.S. 123.141  
 ir-Regoli dwar Persuni li jkollhom Kwalifiki Għolja, u jgħix mal- L.S. 123.126  
 benefiċjarju fil-proprietà li tikkwalifika;

"dritt amministrattiv li ma jingħatax lura" tfisser dik il-parti mill-kontribuzzjoni li tiġi mall-ewwel fil-mument meta tiġi sottomessa l-applikazzjoni;

"Identità Malta" tfisser l-Aġenzija stabbilita bl-Ordni li Jwaqqaf L.S. 497.07  
 l-Aġenzija Identità Malta;

"interess pubbliku" tinkludi l-interessi ta' sigurtà pubblika, il-harsien tal-ordni pubbliku, is-sigurtà nazzjonali, l-integrità territorjali, is-saħħa pubblika jew il-morali pubblika;

"investment li jikkwalifika" tfisser investment f'forma determinata minn żmien għal żmien minn Identità Malta li jkun ta' valur inizjali ta' mitejn u hamsin elf euro (€250,000);

"jum stabbilit" tfisser id-data meta Identità Malta tiddetermina bil-miktub li individwu jinħariġlu ċertifikat skont dawn ir-regolamenti;

"kontribuzzjoni" tfisser kontribuzzjoni ta' tletin elf euro (€30,000) imħallsa skont dawn ir-regolamenti;

"kopja ċertifikata" tfisser fotokopja ta' dokument oriġinali ċertifikat minn avukat liċenzjat kif imiss, nutar pubbliku, uffiċjal konsulari jew diplomatiku Malti, Identità Malta jew uffiċjal anzjan ta' awtorità maħtura minn Identità Malta skont ir-regolament 11(2);

"mhux ekonomikament attiv" tfisser persuna li ma tkunx qed taħdem u mhux qed tfittex xogħol jew mhux disponibbli għax-xogħol;

"Ministri" tfisser il-Ministru responsabbli għall-Finanzi u l-Ministru responsabbli għall-Ekonomija, Investment u Intrapriżi Żgħar;

"minuri" tfisser persuna li ma tkunx għadha għalqet it-tmintax-il sena;

"nofsinhar ta' Malta" tfisser l-area b'konfini stabbiliti kif imsemmi fit-Tieni Skeda għall-Att dwar il-Kunsilli Lokali tal- Kap. 363.

lokalitajiet elenkati fl-Iskeda li tinsab ma' dawn ir-regolamenti;

"proprjeta" tfisser kull proprjeta immobbli li tinsab f'Malta jew f'Ghawdex u kull dritt fuq dik il-proprjeta;

"proprjeta li tikkwalifika" tfisser jew proprjeta li tikkwalifika li tkun mixtrija jew proprjeta li tikkwalifika li tkun mikrija, kif ikun il-każ;

"proprjeta mikrija li tikkwalifika" tfisser proprjeta mikrija għal mhux inqas minn "proprjeta mikrija li tikkwalifika" tfisser proprjeta mikrija għal mhux inqas minn:

(a) bla hsara għall-paragrafu (b) hawn aktar 'l isfel, tmax-il elf euro (€12,000) fis-sena għal proprjeta li tinsab f'Malta; jew

(b) għaxart elef euro (€10,000) fis-sena għal proprjeta li tinsab f'Ghawdex jew fin-nofsinar ta' Malta;

"proprjeta mixtrija li tikkwalifika" tfisser proprjeta immobbli mixtrija għal korrispettiv ta' mhux inqas minn:

(a) bla hsara għad-dispożizzjonijiet tal-paragrafu (b), tlett mija u għoxrin elf euro (€320,000) għal proprjeta li tinsab f'Malta; jew

(b) mitejn u seghin elf euro (€270,000) għal proprjeta li tinsab f'Ghawdex jew fin-nofsinar ta' Malta;

Izda f'każ ta' proprjeta immobbli mixtrija qabel id-data tal-bidu fis-seħħ ta' dawn ir-regolamenti għal korrispettiv ta' inqas mill-ammonti msemmija fil-paragrafi (a) jew (b) hawn fuq għandha titqies li hija "proprjeta mixtrija li tikkwalifika" sakemm il-valur ta' tali proprjeta immobbli, kif iddikjarat fid-data tal-applikazzjoni mill-applikant ma jkunx inqas mill-ammonti msemmija fil-paragrafi (a) jew (b) hawn fuq kif appoġġjata minn valutazzjoni separata u indipendenti ta' perit li tinkludi l-pjanti tal-perit liema dokumenti jiġu mogħtija lil Identità Malta flimkien mal-applikazzjoni:

Izda wkoll Identità Malta, jew xi uffiċjal minnha awtorizzat bil-miktub, perit jew *surveyor*, ikollhom il-jedd kollu ta' aċċess liberu fil-proprjeta mixtrija li tikkwalifika sakemm dak l-aċċess x'aktarx ikun jista' jgħinjom biex jistabbilixxu dak il-valur tal-imsemmija proprjeta;

"residenti li joqgħod għal żmien twil" tfisser:

(a) persuna li għandha status ta' resident li joqgħod għal żmien twil skont ir-Regolamenti dwar Status ta' Residenti li joqgħodu għal Żmien Twil (Ċittadini ta' Pajjiżi Terzi); L.S. 217.05

(b) persuna li tapplika għal status ta' resident li joqgħod għal żmien twil skont ir-Regolamenti dwar Status ta' Residenti li joqgħodu għal Żmien Twil (Ċittadini ta' Pajjiżi Terzi); L.S. 217.05

"ŻEE" tfisser il-membri tal-Unjoni Ewropea, l-Iżlanda, in-Norveġja u Liechtenstein.

3. Għall-finijiet ta' dawn ir-regolamenti u skont is-setgħat mogħtija lilha bid-delega maħruġa mill-Ministru responsabbli għall-immigrazzjoni skont l-artikolu 26 tal-Att dwar l-Immigrazzjoni, Identità Malta tista' toħroġ ċertifikat li għandu jitqies li jikkostitwixxi permess maħruġ skont l-artikolu 7 tal-Att dwar l-Immigrazzjoni, lil individwi li jissodisfaw l-kondizzjonijiet stabbiliti skont dawn ir-regolamenti. Ċertifikat mingħand Identità Malta. Kap. 217.

4. Ċertifikat maħruġ minn Identità Malta skont dawn ir-regolamenti jagħti dritt lill-benefiċjarju ta' dak iċ-ċertifikat u lid-dipendenti reġistrati tiegħu li jirrisjedu, jistabbilixxu ruhhom jew jibqgħu għal żmien indeterminat f'Malta, hekk iżda li: Drittijiet miksuba biċ-Ċertifikat.

(a) jitwettaq monitoraġġ fuq dak iċ-ċertifikat kull sena għall-ewwel hames snin mid-data tal-ħruġ tiegħu, u kull hames snin wara, u iċ-ċertifikat għandu jitqies bħala *ipso iure* revokat hekk kif il-benefiċjarju tiegħu jikser xi dispożizzjoni ta' dawn ir-regolamenti; u

(b) l-imsemmi ċertifikat fih innifsu ma jintitolax lid-detentur tiegħu għal ebda drittijiet oħra msemmija fir-Regolamenti dwar l-Immigrazzjoni. S.L. 217.04

5. (1) Individwu, kif debitament rappreżentat minn agent approvat reġistrat u, jew persuna akkreditata reġistrata, jista' japplika għand Identità Malta għall-ħruġ ta' ċertifikat taħt dawn ir-regolamenti, f'dik il-forma kif Identità Malta tista' teħtieġ u billi jhallas dritt amministrattiv li ma jingħatax lura ta' hamest elef u hames mitt euro (€5,500). Applikazzjoni.

(2) Meta jiġi stabbilit li l-individwu msemmi fis-subregolament (1) jikkwalifika bħala benefiċjarju, Identità Malta għandha tiddetermina bil-miktub li għandu jinħareġ ċertifikat taħt dawn ir-regolamenti lil dak l-individwu.

(3) Wara din id-determinazzjoni bil-miktub skont is-subregolament (2) u qabel ma jinħareġ iċ-ċertifikat, l-applikant, kif

debitament rappreżentat minn agent approvat reġistrat u, jew persuna akkreditata reġistrata, għandu jhallas il-kontribuzzjoni mnaqqsa bl-ammont tad-dritt amministrattiv li ma jingħatax lura li jkun diġà gie mħallas meta giet preżentata l-applikazzjoni, u jippreżenta t-titolu meħtieġ għall-proprjetà li tikkwalifika, u ċertifikat dwar investiment li jikkwalifika, u kull dokument ieħor li jista' jkun meħtieġ minn żmien għal żmien permezz ta' avviż maħruġ minn Identità Malta:

Izda ma jinhareġ l-ebda ċertifikat lill-applikant, ukoll fil-każ li Identità Malta tkun harġet l-approvazzjoni tagħha fil-prinċipju skont dawn ir-regolamenti, sakemm il-kondizzjonijiet fuq imsemmija jiġu osservati għas-sodisfazzjon shiħa ta' Identità Malta.

(4) Wara l-mewt ta' benefiċjarju, f'ċirkostanzi eċċezzjonali, Identità Malta jkollha d-dritt li tiddetermina li ċ-ċertifikat maħruġ skont is-subregolament (3) jinhareġ lil dipendent ta' dak il-benefiċjarlu li jkun miet. Dak iċ-ċertifikat jinhareġ għaladarba l-imsemmi dipendent jipprovi prova lil Identità Malta li l-ħtiġiet kollha ta' dawn ir-regolamenti huma osservati b'dak il-mod kif Identità Malta tista' tiddetermina.

Kwalifiki u  
ħtiġiet ġenerali.

**6.** (1) Il-kwalifiki u l-ħtiġiet ġenerali biex jinhareġ ċertifikat lil persuna skont dawn ir-regolamenti huma li kull tali persuna:

- (a) għandha tal-anqas tmintax-il sena;
- (b) tissodisfa l-ħtiġiet tal-applikazzjoni;
- (ċ) tintrabat li tipprovi prova ta' titolu fuq proprjetà f'Malta li tikkwalifika kif previst f'dawn ir-regolamenti;
- (d) tintrabat li tinvesti f'investiment li jikkwalifika;
- (e) tintrabat li tħallas il-kontribuzzjoni shiħa skont dawn ir-regolamenti:

Izda l-benefiċjarji tal-Programm ta' Residenza Globali jkunu jistgħu japplikaw għall-ħruġ ta' ċertifikat skont dawn ir-regolamenti bil-kondizzjoni li jissodisfaw il-ħtiġiet addizzjonali ta' eliġibilità kollha ta' dawn ir-regolamenti.

(2) L-applikazzjonijiet għandu jkollhom magħhom id-dritt amministrattiv preskritt li ma jingħatax lura kif ukoll id-dokumenti oriġinali, jew kopji ċertifikati tagħhom, li ġejjin:

- (a) ċertifikat tal-pulizija maħruġ mill-Pulizija ta' Malta kif ukoll ċertifikat tal-pulizija maħruġ mill-awtoritajiet

kompetenti fil-pajjiż ta' origini u fil-pajjiż jew pajjiżi ta' residenza fejn l-applikant ikun irrisjeda għal perjodu ta' aktar minn sitt xhur matul l-aħħar għaxar snin, jew f'kazijiet eċċezzjonali fejn tinghata prova għas-sodisfazzjon ta' Identità Malta li ċertifikat bħal dak ma jkunx jista' jinkiseb, affidavit maħluf magħmul mill-applikant u minn kull dipendenti fejn jiddikjaraw li jkollhom fedina penali nadifa; f'ċerti ċirkostanzi Identità Malta tista' taċċetta li daww iċ-ċertifikati jigu pprezentati f'data futura, iżda dejjem qabel ma l-applikazzjoni tiġi approvata fil-prinċipju tagħha;

(b) prova, abbażi tal-prinċipju 'aġhraf il-klijent tiegħek', imwettqa mill-aġent approvat reġistrat u, jew mill-persuna akkreditata reġistrata li ma hemm l-ebda prova *a priori* li l-applikant ewlieni u d-dipendenti tiegħu mhumiex persuni xierqa u idoneji;

(ċ) impenn li jixtri jew jikri proprjetà immobbli f'Malta, liema proprjetà tikkwalifika bħala proprjetà li tikkwalifika skont dawn ir-regolamenti;

(d) impenn, jekk ikun meħtieġ, li jagħmel daww l-investimenti oħra f'Malta skont dawn ir-regolamenti;

(e) impenn li jhallas il-kontribuzzjoni meħtieġa kollha, imnaqqsa bl-ammont tad-dritt amministrattiv li ma jingħatax lura li jkun diġà ġie mħallas meta ġiet prezentata l-applikazzjoni;

(f) ċertifikat kif mitlub minn sistema tas-saħħa ta' reputazzjoni tajba għas-sodisfazzjon ta' Identità Malta li l-applikant ewlieni u d-dipendenti tiegħu ma jbatux minn mard li jittiehed u li jinsabu mill-bqija fi stat ta' saħħa tajjeb u mhux ser ikunu, skont analiżi medika mwettqa minn Identità Malta, ta' piż mhux raġonevoli fuq is-sistema tas-saħħa nazzjonali; u

(g) kull dokument ieħor li jista' jkun meħtieġ minn żmien għal żmien permezz ta' avviż maħruġ minn Identità Malta.

(3) Il-formuli tal-applikazzjoni u d-dokumenti li jkun hemm magħhom għandhom jintlew bl-Ingliż jew, jekk il-lingwa oriġinali tad-dokument ma tkunx l-Ingliż, id-dokument għandu jkollu miegħu traduzzjoni awtentikata.

(4) L-applikant ewlieni għandu jipprovi affidavit dwar sostenn ta' kull dipendenti li jkollu aktar minn tmintax-il sena.

(5) Il-kondizzjonijiet li ġejjin għandhom japplikaw għad-dipendenti li jkunu minuri:

(a) il-formuli għandhom jiġu ffirmati miż-żewġ ġenituri għan-nom tad-dipendenti; u

(b) fil-każ li ġenitur wiehed ikollu l-kustodja ewlenija ta' dipendenti, jew persuna oħra jkollha kustodja legali ta' dipendenti, għandhom jiġu provduti dokumenti legali xierqa sabiex jiġi muri li giet dekretata kustodja ewlenija jew kustodja legali minn qorti tal-gustizzja jew awtorità rilevanti oħra.

(6) Jekk l-applikant jagħmel dikjarazzjoni falza jew ihalli barra xi informazzjoni mitluba, dik l-applikazzjoni tista' tiġi miċhuda ukoll fuq dik ir-raġuni biss.

Eligibilità.

7. B'zieda mal-kwalifiki u l-htigiet generali stabbiliti fir-regolament 6, il-kriterji minimi ta' elegibilità għal applikazzjoni skont dawn ir-regolamenti, għall-applikant u kull wiehed mid-dipendenti tiegħu, għandhom ikunu kif ġej:

(a) verifika xierqa dwar l-applikant kif ukoll dwar id-dipendenti tiegħu li jkollhom aktar minn tnax-il sena, skont il-każ;

(b) ċertifikat tal-pulizija maħruġ mill-Pulizija ta' Malta kif ukoll ċertifikat tal-pulizija maħruġ mill-awtoritajiet kompetenti fil-pajjiż ta' oriġini u fil-pajjiż jew pajjiżi ta' residenza fejn l-applikant ikun irrisjeda għal perjodu ta' aktar minn sitt xhur matul l-aħħar għaxar snin, jew f'kazijiet eċċezzjonali fejn tingħata prova għas-sodisfazzjon ta' Identità Malta li ċertifikat bħal dak ma jkunx jista' jinkiseb, affidavit maħluf magħmul mill-applikant u minn kull dipendenti fejn jiddikjaraw li jkollhom fedina penali nadifa;

(ċ) l-applikant u, jew xi wiehed mid-dipendenti tiegħu ma jkunux individwi li f'xi zmien kienu akkużati quddiem Qorti Kriminali Internazzjonali jew f'xi zmien dehru quddiem Qorti Kriminali Internazzjonali, kemm jekk il-persuni jkunu nstabu hatja jew xort' oħra minn dik il-Qorti;

(d) l-applikant u, jew xi wiehed mid-dipendenti tiegħu, ma jkunux persuni elenkati mal-Organizzazzjoni tal-Pulizija dwar Kriminalità Internazzjonali (INTERPOL) fiż-żmien li tkun qed tiġi sottomessa l-applikazzjoni;

(e) l-applikant u, jew xi wiehed mid-dipendenti tiegħu, ma jkunx, jew x'aktarx ma jkunx, ta' theddida potenzjali għas-



sigurtà nazzjonali, għall-ordni pubbliku jew għas-sahha pubblika;

(f) l-applikant u, jew xi wiehed mid-dipendenti tiegħu ma jkunux individwi li, f'xi zmien, kellhom akkużi pendent ta' reati relatati ma' terroriżmu, il-*money laundering*, il-finanzjament ta' terroriżmu, reati kontra l-umanità, delitti tal-gwerra, jew reati li jiksru l-Protezzjoni tad-Drittijiet tal-Bniedem u tal-Libertajiet Fundamentali stabbiliti fil-Konvenzjoni Ewropea dwar id-Drittijiet tal-Bniedem jew li nstabu hatja ta' xi wiehed jew aktar mit-tali reati;

(g) l-applikant u, jew xi wiehed mid-dipendenti tiegħu ma jkunux individwi li jkunu nstabu hatja jew jinsabu akkużati rigward xi reati kriminali kontra l-bon-ordni tal-familja, liema reati kriminali jinkludu, iżda mhux limitati għal, dawn li ġejjin:

- (i) pedofelija,
- (ii) korruzzjoni ta' minorenni,
- (iii) stupru,
- (iv) attentat vjolenti għall-pudur,
- (v) tħajjir ta' persuni taht l-età għall-prostituzzjoni, u
- (vi) htif ta' persuni;

(h) l-applikant u, jew xi wiehed mid-dipendenti tiegħu ma jkunux individwi li f'xi zmien instabu hatja, jew fiż-żmien li tkun qed tiġi sottomessa l-applikazzjoni, qed jiġu interrogati u suspettati, jew għandhom akkużi kriminali miġjuba kontrihom għal xi reat kriminali barra minn reat involontarju, punibbli b'sentenza ta' priġunerija għal aktar minn sentejn. L-applikant għandu jehmeż mal-applikazzjoni tiegħu gurament li jkun ha quddiem Kummissarju b'Setgħa li jagħti Gurament, avukat jew nutar pubbliku fejn jiddikjara li dik l-informazzjoni li pprova hija vera u korretta;

(i) meta dokument jinhtieg li jiġi provdut taht dawn ir-regolamenti bhala appoħh għal applikazzjoni:

- (i) dak id-dokument għandu jkun dokument originali u f'każ li ma jkunx originali, għandu jkun kopja ċertifikata; u

(ii) il-persuna li tiċċertifika d-dokument għandha tipprovdi l-isem shih, il-kariga li fiha l-persuna qed taġixxi, indirizz residenzjali jew tan-negozju, numru tat-telefon, u indirizz elettroniku.

(j) l-applikazzjoni ma titqiesx li tmur kontra l-interess pubbliku.

Kundizzjonijiet  
oħra li  
għandhom jiġu  
sodisfatti.  
L.S. 217.04

**8.** Għall-finijiet ta' dawn ir-regolamenti, u bla ħsara għal kull dritt u obbligu li jitnisslu mir-Regolamenti dwar l-Immigrazzjoni, u sakemm l-individwu ma jkunx diġà fil-pussess ta' dokument ta' residenza jew permess ta' residenza maħruġin skont ir-Regolamenti dwar l-Immigrazzjoni, individwu jitqies li jkun il-benefiċjarju ta' ċertifikat maħruġ taht dawn ir-regolamenti fil-każ biss li hu, mill-jum stabbilit u matul il-perjodu kollu tal-validità u ż-żamma taċ-ċertifikat, jagħti prova għas-sodisfazzjon ta' Identità Malta li:

(a) huwa ċittadin ta' pajjiż terz u li mhuwiex ċittadin ta' Malta, iż-ŻEE jew tal-Isvizzera;

L.S. 123.79  
L.S. 123.129  
L.S. 123.134  
L.S. 123.160  
L.S. 123.141  
L.S. 123.126

(b) mhuwiex persuna li tibbenefika taht ir-Regolamenti dwar Skema għal Residenti, ir-Regoli dwar Individwi ta' Valur Nett Għoli - Ċittadini tal-UE / ŻEE / Svizzera, ir-Regoli dwar il-Programm ta' Irtirar f'Malta, ir-Regoli dwar il-Programm ta' Residenza, ir-Regoli dwar Impjiegi Kwalifikanti fl-Innovazzjoni u fil-Kreattività jew taht ir-Regoli dwar Persuni li jkollhom Kwalifiki Għolja;

(ċ) hu jzomm proprjetà li tikkwalifika għal perjodu minimu ta' ħames (5) snin mid-data tal-ħruġ taċ-ċertifikat;

(d) hu jzomm investment li jikkwalifika għal perjodu minimu ta' ħames (5) snin mid-data tal-ħruġ taċ-ċertifikat;

(e) bla ħsara għal kull dispożizzjoni oħra ta' dan ir-regolament, hu jirċievi rizorsi b'mod stabbli u regolari li huma biżżejjed biex imantni lill-nnifsu u d-dipendenti tiegħu mingħajr ma jirrikorri għas-sistema ta' assistenza soċjali f'Malta;

(f) hu għandu, u d-dipendenti tiegħu għandhom, dokument validu għas-safar;

(g) hu għandu assigurazzjoni kontra l-mard għar-rigward tar-riskji kollha fl-intier tal-Unjoni Ewropea, li huma normalment koperti għal ċittadini Maltin, għalih innifsu u għad-dipendenti tiegħu;

(h) hu jipprovdli affidavit li fih jiddikjara li mid-data tal-applikazzjoni msemija fir-regolament 5 'il quddiem jew għandu *income* annwali ta' mhux anqas minn mitt elf euro (€100,000) li jiġi minn barra jew hu d-detentur ta' kapital ta' mhux inqas minn ħames mitt elf euro (€500,000).

9. (1) Individwu għandu, b'effett mill-jum stabbilit, jieqaf milli jibbenefika minn ċertifikat maħruġ taħt dawn ir-regolamenti: Waqfien taċ-  
ċertifikat.

(a) jekk l-individwu jsir ċittadin Malti, taż-ZEE jew tal-Isvizzera;

(b) jekk, fi kwalunkwe żmien, wara l-jum stabbilit, dak l-individwu jsir resident għal żmien twil;

(ċ) jekk, fi kwalunkwe żmien, wara l-jum stabbilit, dak l-individwu ma josservax il-kondizzjonijiet stabbiliti fir-regolament 8;

(d) jekk, fi kwalunkwe żmien wara l-jum stabbilit, dak l-individwu ma jibqax eliġibbli skont id-dispożizzjonijiet tar-regolament 7;

(e) jekk il-permanenza ta' dak l-individwu mhijiex fl-interess pubbliku;

(f) jekk, fi kwalunkwe żmien wara l-jum stabbilit, dak l-individwu jibqa' f'Malta legalment u kontinwament għal perjodu ta' erba' snin jew iżjed; jew

(g) jekk, fi kwalunkwe żmien, wara l-jum stabbilit, dak l-individwu ma josservax xi obbligu kkontemplat f'dawn ir-regolamenti, inkluż b'mod partikolari obbligu msemmi fir-regolament 6.

(2) (a) Individwu li jieqaf milli jibbenefika minn ċertifikat maħruġ skont dawn ir-regolamenti għal xi waħda mir-raġunijiet speċifikati fis-subregolament (1) għandu javża lil Identità Malta dwar dan il-fatt mhux aktar tard minn erba' ġimgħat mid-data meta jsir jaf b'dan il-fatt. Din in-notifika għandha ssir fuq dik il-formula kif tista' teħtieġ Identità Malta.

(b) Fejn din in-notifika ma ssirx fiż-żmien speċifikat, il-persuna responsabbli għal dan teħel penali amministrattiva ta' ħmistax-il elf euro (€15,000).

(3) Individwu għandu, b'effett immedjat, jieqaf milli jibbenefika minn ċertifikat maħruġ skont dawn ir-regolamenti jekk

javża lil Identità Malta bl-intenzjoni tiegħu li ma jibqax benefiċjarju skont dawn ir-regolamenti fuq dik il-formula li Identità Malta tista' teħtieg.

(4) Il-Ministri jkollhom konguntemment is-setgħa li jaħfru xi nuqqas ta' konformità ma' xi waħda mill-kondizzjonijiet fis-subregolament (1) jekk:

(a) dak in-nuqqas kien ikkaġunat minn ċirkostanzi mhux previsti u li ma setgħux ikunu kontrollati mill-individwu;

(b) dak l-individwu javża lill-Ministri dwar dak in-nuqqas; u

(c) dak l-individwu eżercita l-aħjar sforzi tiegħu biex jirrimedja dak in-nuqqas.

Talba għal informazzjoni.

**10.** (1) Sabiex jiġi stabbilit jekk individwu huwiex intitolat għal drittijiet miksuba skont dawn ir-regolamenti u sabiex tiġi żgurata l-applikazzjoni korretta ta' dawn ir-regolamenti, Identità Malta tista' titlob lill-individwu jew lill-aġent approvat reġistrat u, jew persuna akkreditata reġistrata rilevanti sabiex jipproduċu, fiż-żmien indikat minn Identità Malta f'dik it-talba, dik l-informazzjoni u dokumenti li Identità Malta jidhrilha li jkunu meħtieġa, inklużi ċertifikazzjonijiet u dikjarazzjonijiet.

(2) Minkejja kull dispożizzjoni oħra f'xi liġi, Identità Malta tista' tiskambja informazzjoni li tkun fil-pussess tagħha li tikkonċerna individwu -

(a) li jagħmel applikazzjoni skont ir-regolament 5;

(b) li huwa benefiċjarju; jew

L.S. 217.05

(c) li għandu status ta' residenza għal żmien twil skont ir-Regolamenti dwar Status ta' Residenti li joqgħodu għal Żmien Twil (Ċittadini ta' Pajjiżi Terzi).

L.S. 217.05

Din l-informazzjoni tista' tiġi skambjata għall-finijiet ta' dawn ir-regolamenti u għall-finijiet ta' status ta' residenza għal żmien twil skont ir-Regolamenti dwar Status ta' Residenti li joqgħodu għal Żmien Twil (Ċittadini ta' Pajjiżi Terzi).

Diskrezzjoni ta' Identità Malta.

**11.** (1) Kull deċiżjoni, determinazzjoni jew verifika li għandha ssir minn Identità Malta skont dawn ir-regolamenti għandha ssir bid-diskrezzjoni assoluta ta' Identità Malta u kull tali deċiżjoni, determinazzjoni jew verifika tkun finali u ma tkunx soġġetta għal appell.

(2) Identità Malta jkollha d-dritt li tiddelega kull waħda mill-funzjonijiet tagħha taht dawn ir-regolamenti, hlief għak dawk li johorġu mir-regolament 3, lil xi awtorità oħra, debitament kostitwita taht xi liġi oħra, li hi kapaċi teżerċita dawk il-funzjonijiet.

**12.** (1) Individwu għandu jawtorizza persuna li tkun aġent approvat registrat u, jew persuna akkreditata registrata biex taġixxi f'ismu fir-rigward tal-applikazzjonijiet, korrispondenza, sottomissjonijiet, preżentati, dikjarazzjonijiet u notifiki kollha previsti skont dawn ir-regolamenti. L-atti kollha bħal dawn għandhom jiġu ppreżentati mill-imsemmija aġent approvat registrat u, jew persuna akkreditata registrata.

Aġent approvat registrat u, jew persuna akkreditata registrata.

(2) L-awtorizzazzjoni msemmija fis-subregolament (1) għandha ssir skont dik il-formula kif Identità Malta tista' teħtieġ.

(3) Sakemm Identità Malta ma tawtorizzax mod ieħor speċifikament bil-miktub, persuna ma tistax tawtorizza aktar minn aġent approvat wiehed u, jew persuna akkreditata waħda.

(4) Ir-registrazzjoni ma' Identità Malta bħala aġent approvat registrat u, jew persuna akkreditata registrata għandha ssir billi tiġi preżentata u mogħtija lil Identità Malta dik il-formula kif Identità Malta tista' teħtieġ.

(5) Ir-registrazzjoni bħala aġent approvat registrat u, jew persuna akkreditata registrata skont dawn ir-regolamenti għandha tkun bla ħsara għal dawk il-pattijiet u kondizzjonijiet li Identità Malta tista', minn żmien għal żmien, tiddetermina.

(6) L-aċċettazzjoni tar-registrazzjoni skont dawn ir-regolamenti għandha tiġi notifikata minn Identità Malta lill-persuna li titlob dik ir-registrazzjoni.

(7) Meta persuna li tkun giet registrata ma' Identità Malta tixtieq tħassar dik ir-registrazzjoni, dik il-persuna għandha tagħmel talba fuq dik il-formula kif Identità Malta tista' teħtieġ.

(8) Meta aġent approvat registrat u, jew persuna akkreditata registrata ripetutament jonqsu milli jwettqu funzjoni meħtieġa taht dawn ir-regolamenti, Identità Malta jkollha d-dritt li tittermina l-ħatra tagħhom bħala aġent approvat registrat u, jew persuna akkreditata registrata.

(9) Identità Malta tista', b'avviż bil-miktub maħrug minn żmien għa żmien, tippreskrivi li parti mill-kontribuzzjoni mħallsa minn applikant skont dawn ir-regolamenti tithallas lil aġent approvat u, jew persuna akkreditata maħtura mill-applikant:

Iżda dik il-parti tal-kontribuzzjoni ma għandha qatt teċċedi għaxra fil-mija tal-kontribuzzjoni li għandha tithallas skont dawn ir-regolamenti.

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SKEDA

(Regolament 2)

Lokaltajiet għall-fini tat-tifsira ta' "nofsinhar ta' Malta"

Birżebbuġa

Cospicua

Fgura

Għaxaq

Gudja

Kalkara

Luqa

Marsaskala

Marsaxlokk

Mqabba

Paola

Qrendi

Safi

Santa Luċija

Senglea

Siggiewi

Tarxien

Vittoriosa

Xgħajra

Żabbar

Żejtun

Żurrieq

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**L.N. 288 of 2015**

**IMMIGRATION ACT  
(CAP. 217)**

**Malta Residence and Visa Programme Regulations, 2015**

IN exercise of the powers conferred by articles 7 and 8 of the Immigration Act, the Minister for Home Affairs and National Security has made the following regulations:-

Citation.                   **1.** The title of these regulations is the Malta Residence and Visa Programme Regulations, 2015.

Interpretation.           **2.** For the purposes of these regulations, unless the context otherwise requires -

Cap. 217.                   "Act" means the Immigration Act;

"application" means an application filed in terms of regulation 5;

"appointed day" means the date on which Identity Malta shall determine in writing that an individual is issued a certificate under these regulations;

Cap. 12.                   "approved agent and, or accredited person" means a person who is in possession of a warrant to practice as an advocate under the Code of Organization and Civil Procedure, a person who holds a warrant to practice as a legal procurator under the Code of Organization and Civil Procedure, a person who has been appointed notary public in accordance with the provisions of the Notarial Profession and Notarial Archives Act, a person who holds a warrant to practice the profession of accountant under the Accountancy Profession Act, a person who is a member of the Malta Institute of Taxation or a person who is a member of Malta Institute of Accountants or a person who is a member of the Institute of Management;

Cap. 55.

Cap. 281.

Provided that a person that is not an individual, having at least 75% (directly or indirectly) of its shareholders, partners or other members, as the case may be, who are persons in possession of the above-mentioned warrants or being a member of the above-mentioned institutes, shall also be eligible to be an approved agent and, or accredited person;

"beneficiary" means a third-country national who has been



issued a certificate in terms of these regulations;

"certified copy" means a photocopy of an original document certified by a duly licensed lawyer, or notary public, a Maltese consular or diplomatic officer, Identity Malta or a senior officer of an authority appointed by Identity Malta in terms of regulation 11(2);

"contribution" means a contribution of thirty thousand euro (€30,000) paid in accordance with these regulations;

"dependant" in relation to another person means -

(a) the spouse of the main applicant in a monogamous marriage or in another relationship having the same or a similar status to marriage, unless the Minister authorises otherwise on a case by case basis;

(b) a child, including an adopted child, of the main applicant or of his spouse who is less than eighteen years of age;

(c) a child of the main applicant or of his spouse who is between the age of eighteen and twenty-six years and who is not married and who proves, to the satisfaction of the Minister, that he is not economically active and is principally dependant on the said person;

(d) a parent or grandparent of the main applicant or of his spouse who proves to the satisfaction of the Minister that he is not economically active and is principally dependant on the said person; or

(e) a child of the main applicant or of the spouse of the main applicant who is at least eighteen years of age, and who has been certified by a recognized medical professional as having a disability in terms of the Equal Opportunities (Persons with Disability) Act and who is living with, and is fully supported by, the main applicant; Cap. 413.

and in any case is not a beneficiary under the Residents Scheme Regulations, the High Net Worth Individuals - EU / EEA / Swiss Nationals Rules, the Malta Retirement Programme Rules, the Residence Programme Rules, the Qualifying Employment in Innovation and Creativity Rules or the Highly Qualified Persons Rules, and resides with the beneficiary in the qualifying property; S.L. 123.79  
S.L. 123.129  
S.L. 123.134  
S.L. 123.160  
S.L. 123.141  
S.L. 123.126

"EEA" means the members of the European Union, Iceland, Norway and Liechtenstein;

S.L. 497.07 "Identity Malta" means the agency established by the Identity Malta Agency (Establishment) Order;

"long-term resident" means:

S.L. 217.05 (a) a person who has long-term resident status in terms of the Status of Long-term Residents (Third Country Nationals) Regulations;

S.L. 217.05 (b) a person who applies for long-term resident status under the Status of Long-term Residents (Third Country Nationals) Regulations;

"Ministers" means the Minister responsible for Finance and the Minister responsible for the Economy, Investment and Small Business;

"minor" is a person who has not yet attained the age of eighteen years;

"non-refundable administrative fee" means the portion of the contribution paid up front at the time of submission of the application;

"not economically active" means a person who is not working and not seeking work or not available for work;

"property" means any immovable property situated in Malta or Gozo and any right over such property;

"public interest" includes the interests of public safety, the protection of public order, national security, territorial integrity, public health or morals;

"qualifying investment" means an investment in a form determined from time to time by Identity Malta having an initial value of two hundred and fifty thousand euro (€250,000);

"qualifying property" means a qualifying owned property or a qualifying rented property, as the case may be;

"qualifying owned property" means an immovable property purchased at a consideration of not less than:

(a) subject to the provisions of paragraph (b), three hundred twenty thousand euro (€320,000) for a property situated in Malta; or

(b) two hundred and seventy thousand euro (€270,000)

for a property situated in Gozo or in the south of Malta:

Provided that an immovable property purchased before the date of coming into force of these regulations for a consideration which is less than the amounts indicated in paragraphs (a) or (b) above shall be considered to be "qualifying owned property" insofar as the value of such immovable property, as declared on the date of application by the applicant, is not less than the amounts indicated in paragraphs (a) or (b) above as supported by a separate and independent architect valuation including architect's plan which are delivered to Identity Malta upon application:

Provided further that Identity Malta, or any officer authorised by it in writing, architect or surveyor shall have full and free access to the qualifying owned property to the extent that such access is likely to assist him in determining the value of the said property;

"qualifying rented property" means a property taken on lease for a rent of not less than:

(a) subject to paragraph (b) below, twelve thousand euro (€12,000) per annum for a property situated in Malta; or

(b) ten thousand euro (€10,000) per annum for a property situated in Gozo or in the south of Malta;

"registered approved agent and, or registered accredited person" means a person or entity who has satisfied the criteria set by Identity Malta and which in any case is already registered as an authorised registered mandatory with the Inland Revenue Department or is already registered as an approved agent and, or registered as an accredited person with Identity Malta under any other scheme or regulation;

"south of Malta" means the areas within set boundaries as designated in the Second Schedule to the Local Councils Act of the localities listed in the Schedule to these regulations; Cap. 363.

"third-country national" means any person who is not a citizen of the European Union within the meaning of Article 20 of the Treaty on the European Union and the Treaty on the Functioning of the European Union:

Provided that, for the purposes of these regulations, EEA nationals and Swiss nationals shall not be considered to be third-country nationals.

Certificate by  
Identity Malta.

Cap. 217.

**3.** For the purposes of these regulations and under the powers conferred upon it by the delegation issued by the Minister responsible for immigration in terms of article 26 of the Immigration Act, Identity Malta may issue a certificate which shall be deemed to constitute a permit issued in terms of article 7 of the Immigration Act, to individuals who satisfy the conditions established under these regulations.

Rights conferred  
by Certificate

**4.** A certificate issued by Identity Malta in accordance with these regulations shall entitle the beneficiary of such a certificate and his registered dependants to reside, settle or stay indefinitely in Malta, provided that:

(a) the certificate shall be monitored annually for the first five years from its issue, and every five years thereafter, and it shall be considered to have been *ipso iure* withdrawn as soon as the beneficiary thereof infringes any of the provisions of these regulations; and

S.L. 217.04

(b) the said certificate shall not by itself entitle the holder thereof to any other rights mentioned in the Immigration Regulations.

Application.

**5.** (1) An individual, as duly represented by a registered approved agent and, or registered accredited person may apply to Identity Malta for the issuance of a certificate under these regulations, in such form as Identity Malta may require and by paying a non-refundable administrative fee of five thousand five hundred euro (€5,500).

(2) Where it is established that the individual mentioned in sub-regulation (1) qualifies as a beneficiary, Identity Malta shall determine in writing that such individual is to be issued a certificate under these regulations.

(3) Upon such determination in writing in terms of sub-regulation (2) and prior to the issuance of the certificate, the applicant, as duly represented by a registered approved agent and, or registered accredited person, shall pay the contribution less the non-refundable administrative fee already paid upon presentation of the application, and present the necessary title to a qualifying property, and a certificate to a qualifying investment, and any other document as may be required from time to time by notice issued by Identity Malta:

Provided that no certificate shall be issued to the applicant even in the case that Identity Malta has issued its approval in principle in terms of these regulations, unless the conditions above

referred to are satisfied to the full satisfaction of Identity Malta.

(4) Following the death of a beneficiary, in exceptional circumstances, Identity Malta shall be empowered to determine that the certificate issued in terms of sub-regulation (3) shall be issued to a dependant of that deceased beneficiary. Such certificate shall be issued once the said dependant provides proof to Identity Malta that all the requirements of these regulations are satisfied in such manner as Identity Malta may determine.

**6.** (1) The qualifications and general requirements for a person to be issued a certificate under these regulations shall be that such person: Qualifications and general requirements.

- (a) is at least eighteen years of age;
- (b) meets the application requirements;
- (c) commits himself to provide proof of title to a qualifying property in Malta in accordance with these regulations;
- (d) commits himself to invest in a qualifying investment;
- (e) commits himself to pay in full the contribution in terms of these regulations:

Provided that beneficiaries of the Global Residence Programme shall be allowed to apply for the issuance of a certificate in terms of these regulations subject to satisfying all the additional eligibility requirements of these regulations.

(2) Applications shall be accompanied by the prescribed non-refundable administrative fee and by the originals or certified copies of the following:

- (a) a police certificate issued by the Malta police as well as a police certificate issued by the competent authorities in the country of origin and in the country or countries of residence where the applicant has resided for a period of more than six months during the last ten years, or in exceptional cases where it is proved to the satisfaction of Identity Malta that such a certificate is not obtainable, a sworn affidavit made by the applicant and any dependants, declaring a clean criminal record; in certain circumstances Identity Malta may accept that such certificates are submitted at a later date but in any case before the application is approved in principle;

(b) evidence, through a ‘know your customer’ basis, due diligence processes, carried out by the registered approved agent and, or registered accredited person that there is no *a priori* evidence that the main applicant and his dependants are not fit and proper persons;

(c) an undertaking to purchase or lease an immovable property in Malta which property qualifies as a qualifying property in accordance with these regulations;

(d) an undertaking, if necessary, to make such other investments in Malta in accordance with these regulations;

(e) an undertaking to remit the total of the required contribution, less the non-refundable administrative fee already made at the time of submission of the application;

(f) a certificate as requested from a reputable health system to the satisfaction of Identity Malta, that the main applicant and his dependants are not suffering from any contagious disease and that they are otherwise in good health and will not be, in terms of the medical review carried out by Identity Malta, of an unreasonable burden on the national health system; and

(g) any other document as may be required from time to time by notice issued by Identity Malta.

(3) Application forms and other accompanying documents shall be completed in English or, if the original language of the document is not English, the document shall be accompanied by an authenticated translation.

(4) The applicant shall provide an affidavit of the support for each dependant who is over eighteen years old.

(5) The following conditions apply to minor dependants:

(a) the forms shall be signed by both parents on behalf of the dependant; and

(b) in the case where one parent has sole custody of a dependant, or another person has legal guardianship of a dependant, the appropriate legal documentation shall be provided to demonstrate the sole custody or guardianship was awarded by a court of law or other relevant authority.

(6) If an applicant makes a false statement or omits

information requested, the application may be declined solely on that basis.

7. In addition to the qualifications and general requirements as set out in regulation 6, the minimum eligibility criteria for an application under these regulations, for the applicant and any of his dependants, shall be as follows: Eligibility.

(a) a proper background verification of the applicant and his dependants over the age of twelve years, as the case may be;

(b) a police certificate issued by the Malta police as well as a police certificate issued by the competent authorities in the country of origin and in the country or countries of residence where the applicant has resided for a period of more than six months during the last ten years, or in exceptional cases where it is proved to the satisfaction of Identity Malta that such a certificate is not obtainable, a sworn affidavit made by the applicant and any dependants, declaring a clean criminal record;

(c) the applicant and, or any of his dependants are not individuals indicted before an International Criminal Court or who appeared at any time before an International Criminal Court, whether such persons have been found guilty or otherwise by such Court;

(d) the applicant and, or any of his dependants, are not persons listed with the International Criminal Police Organization (INTERPOL) at the time of application;

(e) the applicant and, or any of his dependants is not, or may not be a potential threat to national security, public policy or public health;

(f) the applicant and, or any of his dependants shall not be an individual who, at any time, had pending charges related to crimes of terrorism, money laundering, funding of terrorism, crimes against humanity, war crimes, or crimes that infringe upon such Protection of Human Rights and Fundamental Freedoms as established by the European Convention on Human Rights, or who has been found guilty of any such crimes;

(g) the applicant and, or any of his dependants is not an individual who has been found guilty or has charges brought against him regarding any of the criminal offences that disturb the good order of the family, which criminal offences include,

without limitation, the following:

- (i) paedophilia,
  - (ii) defilement of minors,
  - (iii) rape,
  - (iv) violent indecent assault,
  - (v) inducing persons under age to prostitution,
- and
- (vi) abduction;

(h) the applicant and, or any of his dependants is not be an individual who at any time was found guilty, or, at the time of the application, is being interrogated and suspected, or has criminal charges brought against him for any criminal offence, other than an involuntary offence, punishable with more than two years imprisonment. The applicant shall attach with his application a sworn declaration before a Commissioner for Oaths, lawyer or notary public that the said information that he has provided is true and correct;

(i) where a document is required to be produced under these regulations in support of an application:

(i) such document must be an original document or if not an original, it must be a certified copy; and

(ii) the person certifying the document shall provide the full name, capacity in which the person is acting, residential or business address, telephone number and email address.

(j) the application is not deemed to be against public interest.

Further  
conditions to be  
satisfied.  
S.L. 217.04

**8.** For the purposes of these regulations, and without prejudice to any rights and duties emanating from the Immigration Regulations and unless any individual is already in possession of a residence document or a residence permit issued under the Immigration Regulations, an individual shall be deemed to be a beneficiary of a certificate issued under these regulations only if he, as from the appointed day and throughout the entire duration and persistence of the certificate, proves to the satisfaction of Identity Malta that:



(a) he is a third country national and is not a Maltese, EEA or Swiss national;

(b) he is not a person who benefits under the Residents Scheme Regulations, the High Net Worth Individuals - EU / EEA / Swiss Nationals Rules, the Malta Retirement Programme Rules, the Residence Programme Rules, the Qualifying Employment in Innovation and Creativity Rules or the Highly Qualified Persons Rules; S.L. 123.79  
S.L. 123.129  
S.L. 123.134  
S.L. 123.160  
S.L. 123.141  
S.L. 123.126

(c) he holds a qualifying property for a minimum five (5) year period from the date of issuing of certificate;

(d) he holds a qualifying investment for a minimum period of five (5) years from the date of issuing of certificate;

(e) without prejudice to any other provision of this regulation, he is in receipt of stable and regular resources which are sufficient to maintain himself and his dependants without recourse to the social assistance system of Malta;

(f) he is, and his dependants are, in possession of a valid travel document;

(g) he is in possession of sickness insurance in respect of all risks across the whole of the European Union normally covered for Maltese nationals for himself and his dependants;

(h) he provides an affidavit declaring that from the date of the application referred to in regulation 5 onwards he has either an annual income of not less than hundred thousand euro (€100,000) arising outside Malta or has in his possession a capital of not less than five hundred thousand euro (€500,000).

**9.** (1) A beneficiary shall, with effect from the date of issuing of certificate, cease to benefit from a certificate issued under these regulations: Cessation of certificate.

(a) if the individual becomes a Maltese, EEA or Swiss national;

(b) if, at any time, after the appointed day, such individual becomes a long-term resident;

(c) if, at any time, after the appointed day, such individual does not satisfy the conditions set out in regulation 8;

(d) if, at any time after the appointed day, such

individual no longer remains eligible in terms of regulation 7;

(e) if the individual's stay is not in the public interest;

(f) if, at any time after the appointed day such individual stays legally and continuously in Malta for a period of four years or more; or

(g) if, at any time, after the appointed day, such individual does not fulfil any commitment contemplated in these regulations, including in particular a commitment referred to in regulation 6.

(2) (a) An individual who ceases to benefit from a certificate issued in terms of these regulations for any of the reasons specified in sub-regulation (1) shall notify Identity Malta of such event by not later than four weeks from the date when he becomes aware of such event. This notification shall be made on such form as may be required by Identity Malta.

(b) Where such notification is not made within the time specified, the person responsible for such event shall be charged an administrative penalty of fifteen thousand euro (€15,000).

(3) An individual shall, with immediate effect, cease to benefit from a certificate issued in terms of these regulations if he notifies Identity Malta of his intention not to remain a beneficiary in terms of these regulations on such form as Identity Malta may require.

(4) The Ministers shall jointly have the power to condone any failure to satisfy any one of the conditions in sub-regulation (1) if:

(a) such failure was due to unforeseen circumstances which are beyond the control of the individual;

(b) such individual notifies the Ministers of such failure; and

(c) such individual has exercised his best efforts to remedy the failure.

Request for  
information.

**10.** (1) For the purpose of ascertaining an individual's entitlement to rights acquired under these regulations and ensuring the proper application of these regulation, Identity Malta may require that individual or the relevant registered approved agent and, or registered accredited person to produce, within the time indicated by Identity Malta in that request, such information and documents as Identity Malta may consider necessary, including

certifications and declarations.

(2) Notwithstanding any other provision in any law, Identity Malta may exchange information that is in its possession concerning an individual -

- (a) making an application in terms of regulation 5;
- (b) that is a beneficiary; or
- (c) that has long-term residence status in terms of the Status of Long-term Residents (Third Country Nationals) Regulations. S.L. 217.05

Such information may be exchanged for the purposes of these regulations and for the purposes of the long-term residence status in terms of the Status of Long-term Residents (Third Country Nationals) Regulations. S.L. 217.05

**11.** (1) Any decision, determination or verification to be made by Identity Malta under these regulations shall be made at Identity Malta's absolute discretion and any such decision, determination or verification shall be final and shall not be subject to an appeal. Identity Malta's discretion.

(2) Identity Malta shall have the right to delegate any of its functions under these regulations, save for those arising under regulation 3, to any other authority duly constituted under any other law capable of exercising such functions.

**12.** (1) An individual shall authorise a person who is a registered approved agent and, or registered accredited person to act on his behalf in respect of all applications, correspondence, submissions, filings, declarations and notifications contemplated under these regulations. All such acts are to be filed by the said registered approved agent and, or registered accredited person. Registered approved agent and, or registered accredited person.

(2) The authorisation referred to in sub-regulation (1) shall be made in such form as Identity Malta may require.

(3) Unless Identity Malta specifically authorizes otherwise in writing, a person may not authorise more than one approved agent and, or accredited person.

(4) Registration as a registered approved agent and, or registered accredited person with Identity Malta shall be made by filling in and delivering to Identity Malta such form as the Identity Malta may require.

(5) Registration as a registered approved agent and, or registered accredited person in terms of these regulations shall be subject to such terms and conditions as Identity Malta may from time to time determine.

(6) Acceptance of registration in terms of these regulations shall be notified by Identity Malta to the person requesting such registration.

(7) When a person who has been registered with Identity Malta desires to cancel such registration, he shall make a request in such form as Identity Malta may require.

(8) Where a registered approved agent and, or registered accredited person repeatedly fails to carry out a function required under these regulations, Identity Malta shall have the right to terminate his appointment as an approved agent and, or registered accredited person.

(9) Identity Malta may, by notice issued from time to time, prescribe that a portion of the contribution paid by an applicant in terms of these regulations be paid to the approved agent and, or accredited person appointed by the applicant:

Provided that any such portion shall at no time exceed ten percent of the contribution payable in terms of these regulations.

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## SCHEDULE

(Regulation 2)

Localities for the purposes of the definition of "south of Malta"

Birzebbugia

Cospicua

Fgura

Għaxaq

Gudja

Kalkara

Luqa

Marsascalea

Marsaxlokk

Mqabba

Paola

Qrendi

Safi

Santa Luċija

Senglea

Siggiewi

Tarxien

Vittoriosa

Xgħajra

Żabbar

Żejtun

Żurrieq

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