

A.L. 205 ta' l-2004

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

**Regolamenti ta' l-2004 dwar l-Immigrazzjoni**

BIS-SAHHA tas-setghat moghtija bl-artikoli 4A u 36 ta' l-Att dwar l-Immigrazzjoni, il-Viċi Prim Ministru u Ministru tal-Ġustizzja u l-Intern ghamel dawn ir-regolamenti li ġejjin:-

**TAQSIMA I:**

**PRELIMINARI**

**1. (1)** It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2004 dwar l-Immigrazzjoni. Titolu u bidu fis-sehh.

(2) Dawn ir-regolamenti ghandhom jidhlu fis-sehh fl-1 ta' Mejju, 2004, hliel ghar-regolament 12(3) li ghandu jidhol fis-sehh f'dik id-data jew f'dawk id-dati li l-Ministru jista' b'avviż fil-Gazzetta jstabilixxi.

**2.** F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma tkunx tehtieg xort'ohra:- Tifsir.

“aġenzija ta' l-impjeg” tfisser l-aġenzija pubblika dwar is-servizz ta' l-impjeg stabbilita taht l-Att dwar is-Servizzi ta' Impjeg u Tahriġ; Kap. 343.

“l-Att” tfisser l-Att dwar l-Immigrazzjoni;

“Ċittadin Malti” tfisser kull persuna meqjusa li hi Ċittadin ta' Malta taht il-Kostituzzjoni ta' Malta u kull liġi ohra li tista' tkun fis-sehh;

“Ċittadin ta' Pajjiż Terz” tfisser persuna li ma tkunx Ċittadin ta' l-Unjoni;

“Ċittadin ta' l-Unjoni” tfisser ċittadin ta' xi Stat Membru u tinkludi ċittadini Maltin fejn ir-rabta tal-kliem tkun hekk tehtieg;

“dipendent” fir-rigward ta' persuna ohra tfisser:

(a) għal dritt ta' residenza—

(i) żewġ jew mart dik il-persuna u d-dixxendenti tagħhom taht l-età ta' wiehed u ghoxrin sena jew li jkunu jiddependu minnhom;

(ii) l-axxendenti tiegħu u dawk ta' żewġ jew mart dik il-persuna li jiddependu minnhom;

(b) għal dritt ta' impjeg—

(i) żewġ jew mart dik il-persuna;

(ii) uliedhom taht l-età ta' wiehed u ghoxrin sena jew li jiddependu minnu jew minnha

“dokument għal residenza” tinkludi permess mahruġ taht l-artikolu 4A ta' l-Att għal dipendenti ta' Ċittadini ta' l-Unjoni, li mhumiex huma stess Ċittadini ta' l-Unjoni, u b' mod partikolari tinkludi awtorizzazzjoni ta' kull tip, temporanja jew le, jew kemm jekk mogħti bi skop speċjali jew *ad hoc*, li tagħti d-dritt ta' residenza fit-territorju ta' Malta;

“dokument ta' identifikazzjoni” tinkludi passaport validu, karta ta' l-identita', dokument ta' l-ivjaġġar jew dokument ieħor xieraq kif il-Ministru jista', b' Avviż fil-Gazzetta, jistabilixxi bhala tali għall-finijiet ta' dawn ir-regolamenti;

“dokument ta' l-ivjaġġar” tfisser dak id-dokument li jagħti d-dritt lid-detentur li jaqsam post fejn taqsam il-fruntiera;

“il-Ftehim tax-Schengen” għandha l-istess tifsira bhal dik ta' “Ftehim dwar Fruntiera” kif imfissra fl-Att u “Schengen” għandha tiftiehem skond hekk;

“Istruzzjonijiet Konsulari Komuni” tfisser l-“Istruzzjonijiet Konsulari Komuni dwar viżi għall-missjonijiet diplomatiċi u l-postijiet konsulari tal-Partijiet li Jagħmlu Kuntratt għal Konvenzjoni tax-Schengen” mahruġin mill-Unjoni Ewropea u kif imfissra fl-Att dwar l-Unjoni Ewropea;

“liċenza” tfisser dik il-liċenza ta' l-impjeg kif jinhtieg għad-detentur tagħha biex jahdem bhala persuna impjegata jew biex iwettaq xi attività ekonomika ohra f'Malta;

“Pajjiż Terz” tfisser kull stat minbarra Malta jew xi Stat Membru ieħor;

“permess ghal residenza” tinkludi permess mahruġ taht l-artikolu 4A ta’ l-Att, u b’mod partikolari tinkludi awtorizzazzjoni ta’ kull tip, temporanja jew le, jew kemm jekk mogħtija bi skop speċjali jew *ad hoc*, li tagħti d-dritt ta’ residenza lil Ċittadin ta’ l-Unjoni fit-territorju ta’ Malta;

“permess uniformi ghal residenza” tfisser permess mahruġ taht l-artikolu 4A ta’ l-Att, u b’mod partikolari tfisser awtorizzazzjoni ta’ kull xorta li tagħti d-dritt ta’ residenza fit-territorju ta’ Malta lil Ċittadin ta’ Pajjiż Terz li ma jkunx dipendent ta’ Ċittadin ta’ l-Unjoni. Din id-definizzjoni ma tinkludix permess temporanju ghal residenza f’Malta għall-iskop ta’ l-ipproċessar ta’ applikazzjoni għall-asil jew applikazzjoni ghal permess uniformi ghal residenza;

“persuna li ma tithalliex tidhol” tfisser persuna illi fl-opinjoni ta’ l-Uffiċjal Prinċipali ta’ l-Immigrazzjoni għandha tinzamm milli taqşam post fejn taqşam il-fruntiera;

“post fejn taqşam il-fruntiera”, sakemm mhux provdut mod ieħor minn jew skond dawn ir-regolamenti, tfisser kull post li taqşam bejn stati, u “verifika fuq il-fruntiera” tfisser verifika magħmula f’dak il-post fejn taqşam il-fruntiera bhala reazzjoni esklużivament għall-intenzjoni ta’ xi hadd li jaqşam dak il-post fejn taqşam il-fruntiera;

“Stat Membru” għandha l-istess tifsira bhal dik ta’ “Stat tal-Ftehim” kif imfissra fl-Att;

“viza” tfisser awtorizzazzjoni mahruġa skond ma hemm fl-artikolu 8 ta’ l-Att għall-iskop ta’ dawn ir-regolamenti.

## TAQSIMA II:

### **Dhul, Moviment Liberu u drittijiet konnessi ta’ ċittadini ta’ l-Unjoni u d-dipendenti tagħhom**

3. (1) Bla hsara għad-disposizzjonijiet ta’ dawn ir-regolamenti, ċittadin ta’ l-Unjoni għandu jkollu d-dritt li jidhol, joqgħod u jirrisjedi f’Malta, ifittex u jibda impjeg jew xogħol għal rasu fil-pajjiż, u dawk id-drittijiet għandhom, bla hsara għad-disposizzjonijiet ta’ dawn ir-regolamenti, ikunu japplikaw ukoll għad-dipendenti tagħhom.

Disposizzjonijiet  
ġenerali.

(2) Bla hsara għal-limitazzjonijiet ġustifikati minhabba fil-*policy* pubblika, is-sigurta’ pubblika jew is-saħħa pubblika, ċittadin ta’ l-Unjoni għandu jkollu d-dritt, li jidhol u johroġ semplicement billi juri

dokument ta' identifikazzjoni validu u jkollu liberta' ta' moviment f'Malta ghal perijodu ta' tliet xhur, li jibda ghaddej fid-data tad-dhul tieghu, jew kull perijodu iehor li jista' jigi preskritt:

Izda, meta jkun bi hsiebu jirrisjedi ghal perijodu itwal, huwa ghandu japplika u jinghata permess ghal residenza kif imnizzel f'dawn ir-regolamenti.

(3) Il-perijodu ta' tliet xhur imsemmi fis-subregolament ta' qabel jista' jigi estiż ghal sitt xhur f'każ ta' persuna li turi evidenza li, bla hsara ghad-disposizzjonijiet ta' dawn ir-regolamenti, b'mod ġenwin tkun qed tfittex xoghol u ġenwinament ikollha tama raġonevoli li ssib impjieg sa l-ahhar ta' dak il-perijodu ta' sitt xhur.

(4) L-Uffiċjal Prinċipali ta' l-Immigrazzjoni ma ghandux jiċhad id-dhul f'Malta, lanqas ma ghandu jiċhad li johroġ jew iġedded permess ghal residenza jew dokument iehor ghal residenza, jew xi bolla jew viża, skond il-każ, li l-persuni msemmija skond din it-Taqsima ghandhom id-dritt li jkollhom, u lanqas ma ghandu jnehhi dawn il-persuni, hlief meta dik iċ-ċahda jew tnehhija hija ġġustifikata minhabba fil-*policy* pubblika, is-sigurtà pubblika jew is-sahha pubblika.

(5) Meta tittiehed azzjoni skond is-subregolament ta' qabel, dik iċ-ċahda jew tnehhija ghandha tkun ibbażata biss fuq l-imġieba personali ta' l-individwu involut, u jekk dik il-persuna tkun qatt instabet hatja kriminalment ma ghandux fih innifsu jkun ir-raġuni li dwarha jittiehdu dawk il-miżuri.

(6) L-gheluq iż-żmien tad-dokument ta' identifikazzjoni li Ċittadin ta' l-Unjoni u d-dipendenti tieghu jużaw biex jidhlu Malta u n-nuqqas ta' dawk il-persuni li jiksbu permess ghal residenza jew dokument ghal residenza skond il-każ, ma ghandu, lanqas fih innifsu, jiġġustifika t-tnehhija minn Malta.

(7) Meta l-Uffiċjal Prinċipali ta' l-Immigrazzjoni jiċhad id-dhul jew jiċhad li johroġ l-ewwel permess ghal residenza lil xi Ċittadin ta' l-Unjoni ghal raġunijiet ta' sahha pubblika, tista' ssir biss referenza ghall-mard u ghad-diżabilitajiet imsemmija f'xi regolament magħmul taht l-artikoli 44 u, jew, 50 ta' l-Ordinanza dwar it-Tharis mill-Mard. Dak il-mard jew diżabilitajiet li jitfaċċaw wara li johroġ l-ewwel permess ghal residenza ma ghandhomx, wahedhom, jiġġustifikaw iċ-ċahda li jġġedded il-permess ghal residenza jew tnehhija minn Malta.

Kap. 36.

Dritt ghal residenza.

**4.** (1) Kull Ċittadin ta' l-Unjoni jista' jirrisjedi f'Malta imma meta dik ir-residenza tkun ser taqbeż il-perijodu msemmi fis-subregolament (2) tar-regolament 3, jew meta, matul il-perijodu ta' sitt

xhur imsemmi fis-subregolament (3) tiegħu, dak iċ-ċittadin jibda impjieg, huwa għandu japplika għal permess u l-Uffiċjal Prinċipali ta' l-Immigrazzjoni għandu, bla hsara għad-disposizzjonijiet ta' dawn ir-regolamenti, johroġ liċ-ċittadin u, fejn applikabbli, lid-dipendenti tiegħu, permess għal residenza jew dokument għal residenza.

(2) Sakemm ma jkunx approvdut xort'ohra f'dan ir-regolament, permess għal residenza għandu jkun validu għal perijodu ta' hames snin mid-data tal-hruġ u għandu, f'ċirkostanzi normali, jiġġedded awtomatikament.

(3) Waqfien mir-residenza li ma jaqbiżx is-sitt xhur konsekuttivi u assenza minhabba f'xi servizz militari ma għandhomx jolqtu l-validita' tal-permess għal residenza.

(4) Minghajr preġudizzju għal xi drittijiet li d-dipendenti jistgħu jgawdu skond dawn ir-regolamenti, huma għandu jkollhom id-dritt ta' residenza f'Malta biss sakemm jibqa' d-dritt ta' residenza taċ-Ċittadin ta' l-Unjoni u jibqgħu jeżistu l-kondizzjonijiet hemm imsemmija.

(5) L-Uffiċjal Prinċipali ta' l-Immigrazzjoni għandu jiffaċilita d-dhul ta' membru tal-familja jekk din il-persuna tkun tiddependi ekonomikament miċ-Ċittadin ta' l-Unjoni jew tghix miegħu fil-pajjiż fejn kienu jirrisjedu qabel ma ġew Malta.

(6) Permess għal residenza u, jew, dokument għal residenza għandhom jispeċifikaw jekk ir-residenza tkunx ittiehdet għal skop ta' żjara għal żmien twil jew permanenti f'Malta, għal xogħol, studju jew xi skop ieħor.

(7) Kull meta persuna tixtieq tbiddel l-iskop li għalih permess għal residenza u, jew, dokument għal residenza jkun inhareġ, hija għandha tapplika lill-Uffiċjal Prinċipali ta' l-Immigrazzjoni, u dan l-Uffiċjal għandu, bla hsara għad-disposizzjonijiet ta' dawn ir-regolamenti b'mod partikolari dawk li għandhom x'jaqsmu max-xogħol, johroġ permess għal residenza u, jew dokument għal residenza ġdid.

(8) Id-disposizzjonijiet ta' dawn ir-regolamenti għandhom ikunu bla hsara għad-disposizzjonijiet ta' xi liġi li tirregola l-akkwist ta' proprjeta' f'Malta minn ċittadini mhux Maltin u permess għal residenza jew dokument għal residenza ma għandux, waħdu, jagħti d-dritt lid-detentur tiegħu li jakkwista jew ikollu proprjetà f'Malta iżjed minn dak li hu regolat bl-Att dwar l-Akkwist ta' Proprjetà Immobbli minn Persuni mhux Residenti. Kap.246.

5. (1) Meta Ċittadin ta' l-Unjoni ikun irid jibda impjieg (hawn taht imsemmi bhala "il-haddiem") ebda impjieg bhal dak ma jista' jinbeda sakemm, flimkien ma' permess ghal residenza, ma tkunx inharget liċenza, iżda dik il-liċenza ma ghandhiex, bla hsara ghal dak li hawn f'dan is-subregolament, tinzamm.

(2) Id-disposizzjonijiet ta' dawn ir-regolamenti huma minghajr preġudizzju ghal xi restrizzjonijiet fuq l-impjegi minhabba ċ-ċittadinanza f'dawk is-setturi tas-Servizz Pubbliku li huma miftuhin biss ghal Ċittadini Maltin.

(3) Meta Ċittadin ta' l-Unjoni huwa haddiem li jeżercita attivita' bhala persuna impjegata f'Malta, id-dipendenti tieghu ghandhom, anki jekk huma Ċittadini ta' Pajjiż Terz, ikollhom id-dritt li jistabilixxu ruhhom mal-haddiem, u ghal dawn il-finijiet, dawn ghandu jinharġilhom permess ghal residenza jew dokument ghal residenza skond il-każ, taht l-istess drittijiet u kondizzjonijiet bhall-permess ghal residenza li kellha l-persuna li taghha huma dipendenti, inkluż id-dritt li jibdew attività bhala persuna impjegata f'Malta iżda l-haddiem ghandu jkollu disponibbli ghad-dipendenti tieghu, akkomodazzjoni meqjusa bhala normali ghall-haddiema Maltin.

(4) Id-dritt ghall-permess ghal residenza u, jew, dokument ghal residenza ghall-iskop ta' impjieg ghandu jkun ippruvat kif ġej:

(a) mill-haddiem:

(i) meta juri dokument ta' identifikazzjoni validu li bih iċ-Ċittadin ta' l-Unjoni jkun dahal Malta; u

(ii) meta juri l-liċenza;

(b) mid-dipendenti:

(i) dokument ta' identifikazzjoni validu; u

(ii) viża, jekk id-dipendenti jkunu ċittadini ta' stat li ċ-ċittadini tieghu jinhtieg li jkollhom viża meta jaqsmu post fejn taqsam il-fruntiera; u

(iii) dokument mahruġ minn awtorità kompetenti ta' l-istat ta' l-origini jew ta' l-istat mnejn ikunu ġew dawk id-dipendenti, li jġib prova tar-relazzjoni taghhom mal-haddiem; u

(iv) dokument mahruġ mill-awtorita' kompetenti ta' l-istat ta' l-origini jew ta' l-istat mnejn ġew id-dipendenti li juri li huma jiddependu mill-haddiem jew li huma jkunu jghixu mieghu f'dak il-pajjiż.

(5) Ċittadin ta' l-Unjoni li jidhol Malta biex jahdem u li, wara li kien inghata permess ghal residenza, ikun impjegat f'Malta ghandu, bla hsara ghad-disposizzjonijiet ta' dan ir-regolament li ġejjin, ikun meqjus li ghandu status ta' residenza sakemm ma jispiċċax volontarjament bla impjieg:

Izda meta il-haddiem impjegat f'Malta ghandu r-residenza tieghu fi Stat Membru li mhux Malta, u jerga' lura f'dak l-istat ta' mill-anqas darba fil-ġimgħa, dan ghandu jinhariġlu permess ghal residenza speċjali validu ghal hames snin u li jkun jiġġedded awtomatikament.

(6) Ir-residenza tista' tiġi revokata meta l-haddiem ikun ġie bla xogħol b'mod volontarju u dik ir-revoka tista' tiġi estiża ghad-dipendenti tieghu skond il-każ.

(7) Il-Ministru responsabbli għall-impjieg, jista', b'Ordni, u fuq il-parir ta' aġenzija ta' l-impjieg, jindika li fl-opinjoni tieghu l-ghoti ta' liċenza lil Ċittadin ta' l-Unjoni u, jew, lid-dipendenti tieghu f'settur jew okkupazzjoni partikolari johloq jew jista' johloq tfixkil fis-suq tax-xogħol li jista' jhedded b'mod serju l-livell ta' ghixien jew il-livell ta' impjieg.

(8) Għall-fini tas-subregolament (7), b'mod partikolari sabiex l-aġenzija ta' l-impjieg tissorvelja s-suq tax-xogħol, kull persuna li timpjega haddiem ghandha thares ir-Regolamenti ta' l-1993 fuq id-Dokumentazzjoni dwar Haddiema li Jibdeu jew Itemmu Impjieg, kemm fil-bidu kif ukoll fit-tmiem ta' dak l-impjieg.

A.L. 110 ta' l-1993.

(9) Min jimpjega haddiem bla liċenza ikun hati ta' reat skond l-Att.

**6.** (1) Fejn, skond dawn ir-regolamenti, permess ghal residenza jinħareġ ghal skop ta' xogħol, dan il-permess ghal residenza ma jistax jiġi rtirat biss minhabba li l-haddiem ma jkunx għadu jahdem, jew minhabba li ma jistax jahdem temporanjament b'riżultat ta' mard jew xi incident jew minhabba li hu bla xogħol b'mod involontarju, meta dan jiġi konfermat b'mod korrett mill-aġenzija ta' l-impjieg:

Impjieg u ċirkostanzi speċjali.

Izda, jekk ikun ilu bla xogħol b'mod involontarju għall-aktar minn tnax-il xahar konsekuttivi fid-data ta' l-ewwel tiġdid, il-perijodu ta'

residenza ta' wara jista' jkun ristrett għall-perijodu ta' mhux anqas minn tna-x-il xahar fuq il-parir ta' l-agenzija ta' l-impjieg.

(2) Ċittadin ta' l-Unjoni li jidhol Malta biex jibda impjieg għall-perijodu ta' bejn tlieta u tna-x-il xahar u li jkun hekk impjegat minn min iħaddem f'Malta jew jaħdem ma' persuna li tkun legalment tipprovdi s-servizzi tagħha f'Malta, għandu d-dritt japplika għal permess għal residenza li l-validità tiegħu jkun limitat għall-perijodu kemm l-impjieg ikun mistenni li jdum.

(3) Permess għal residenza jinhareġ bl-istess mod għal haddiem ta' l-istaġun impjegat għal perijodu ta' aktar minn tliet xhur għal kemm ikun mistenni li jdum ix-xogħol ta' l-istaġun. Il-perijodu ta' l-impjieg għandu jintwera fil-liċenza.

(4) Ċittadin ta' l-Unjoni li jidhol Malta biex jibda impjieg ta' tliet xhur jew anqas, sew jekk ta' l-istaġun sew jekk le, ma jkollux dritt għal permess għal residenza iżda jista' jibqa' Malta sakemm idum il-perijodu tax-xogħol tiegħu abbażi ta' liċenza.

(5) Bla hsara għad-disposizzjonijiet tar-regolament 3, il-fatt li jkunu ntemmew il-formalitajiet biex jinghata permess għal residenza ma għandux ifixkel il-bidu immedjat ta' impjieg taht kuntratt li jkun ġie magħmul legalment minn applikanti li għandhom id-dritt li jibdew impjieg f'Malta sakemm ikunu f'pussess ta' liċenza.

(6) Bla hsara għad-disposizzjonijiet ta' dan ir-regolament, Ċittadin ta' l-Unjoni li hadem f'Malta bhala persuna impjegata kif previst fir-regolamenti 4 u 5 ta' dawn ir-regolamenti, għandu jkollu d-dritt li jibqa' b'mod permanenti f'Malta jekk:

(a) fiż-żmien tat-tmien ta' l-impjieg tiegħu kien lahaq l-età li jkollu jirtira, kien impjegat għal mill-anqas tna-x-il xahar qabel dik id-data u kien irrisjeda b'mod kontinwu f'Malta għal aktar minn tliet snin; jew

(b) jieqaf jaħdem bhala persuna impjegata bhala riżultat ta' inkapaċità permanenti li jaħdem, wara li kien irrisjeda f'Malta b'mod kontinwu għal aktar minn sentejn, iżda l-perijodu ta' residenza minimu meħtieġ ma għandux japplika jekk dik l-inkapaċità hija r-riżultat ta' incident fuq ix-xogħol jew ta' mard ikkaġunat minn ċertu xogħol li jagħtih id-dritt għall-pensjoni li għaliha tkun għalkollox jew f'parti responsabbli istituzzjoni jew korp f'Malta; jew

(ç) wara li jkun waqaf jahdem bhala persuna impjegata wara tliet snin ta' impjieg u residenza kontinwa f'Malta, jahdem bhala persuna impjegata f'xi Stat Membru iehor filwaqt li jzomm ir-residenza tieghu f'Malta, fejn jirritorna, ta' l-anqas darba fil-gimgha.

(7) Perijodi ta' impjieg imtemma fiç-çirkostanzi msemija f'paragrafu (ç) tas-subregolament (6) fi Stat Membru iehor ghandhom ikunu meqjusa li kienu mtemma f'Malta għall-finijiet ta' intitolament għad-drittijiet imsemija fil-paragrafi (a) u (b) tas-subregolament (6).

(8) Il-kondizzjonijiet tat-tul ta' residenza u ta' l-impjieg imsemija fil-paragrafu (a) tas-subregolament (6) u l-kondizzjoni tat-tul tar-residenza msemija fil-paragrafu (b) tieghu, ma ghandhomx japplikaw jekk ir-raġel jew il-mara ta' dik il-persuna huwa Ċittadin Malti jew ikun tilef iç-çittadinanza Maltija minhabba ż-żwieġ tieghu jew tagħha.

(9) Perijodi li wiehed jagħmel mingħajr xogħol b'mod involontarju, registrati kif imiss mill-aġenzija ta' l-impjieg u assenzi minhabba f'mard jew xi inċident ghandhom ikunu meqjusa bhala perijodi ta' impjieg skond it-tifsira mogħtija fis-subregolament (6).

(10) Id-dipendenti tal-persuna imsemija fis-subregolament (6), u li qegħdin jirrisjedu magħha f'Malta ikollhom ukoll id-dritt li jibqgħu f'Malta b'mod permanenti jekk dik il-persuna tkun kisbet id-dritt li tibqa' Malta skond id-disposizzjonijiet ta' dan ir-regolament u d-drittijiet ta' dawk id-dipendenti jibqgħu ukoll jeżistu wara mewtha:

Iżda jekk dik il-persuna tmut filwaqt li tkun impjegata qabel ma tkun kisbet id-dritt li tibqa' f'Malta b'mod permanenti, d-dipendenti ghandhom id-dritt jibqgħu Malta b'mod permanenti sakemm jew:

(i) dik il-persuna kienet, fid-data tal-mewt tagħha, tirrisjedi f'Malta b'mod kontinwu għal mill-anqas sentejn; jew

(ii) il-mewt tagħha irriżulta minn inċident fuq ix-xogħol jew minn mard ikkaġunat fuq ix-xogħol; jew

(iii) il-konjuġi li baqa' haj ikun Ċittadin Malti jew ikun tilef iç-çittadinanza Maltija minhabba biss fiż-żwieġ tieghu jew tagħha ma' dik il-persuna.

(11) Dawk il-persuni li bis-saħħa ta' dan ir-regolament ghandhom id-dritt li jibqgħu Malta b'mod permanenti ghandhom id-dritt għal permess għal residenza u, jew, dokument għal residenza li għandu

jkun validu ghal hames snin u dak il-permess u, jew dokument ikun jista' jiggdeded awtomatikament. Perijodi li fihom persuni ma jirrisjedux li ma jeċċedux is-sitt xhur konsekuttivi ma ghandhomx jolqtu l-validità tal-permess ghal residenza u, jew, tad-dokument ghal residenza.

(12) Id-dritt li persuna tibqa' f'Malta b'mod permanenti kif imsemmi f'paragrafi (a) u (b) tas-subregolament (6) u fis-subregolament (10) jista' jkun eżerċitat f'kull waqt matul is-sentejn mill-bidu taż-żmien li fih il-persuna intitolata ghal dan id-dritt issir hekk intitolata. Matul dak il-perijodu l-persuna intitolata tista' titlaq minn Malta minghajr preġudizzju ghal dak id-dritt:

Kap. 258.

Iżda l-ebda formalità mhi mehtieġa mill-persuna involuta biex teżerċita d-dritt li tibqa', hliel li jkollha tinforma lill-uffiċjal awtorizzat mahtur taht l-Att dwar il-Karti ta' l-Identità, bid-deċiżjoni taghha.

(13) Il-kontinwità ta' residenza kif provdut dwarha fis-subregolament (6) u fil-proviso ghas-subregolament (10) tista' tkun ipprovata bil-permess ghal residenza u, jew, dokument ghal residenza mahruġ skond is-subregolament (11). Din ma ghandhiex tkun milquta minn assenzi temporanji li ma jammontawx b'kollox ghal aktar minn tliet xhur fis-sena, lanqas minn assenzi itwal minhabba f'konformità ma' l-obbligi tas-servizz militari.

(14) L-Uffiċjal Prinċipali ta' l-Immigrazzjoni ghandu jiffacilita d-dhul mill-ġdid f'Malta ta' haddiema li jkunu telqu minn Malta wara li kienu impjegati u kienu jirrisjedu f'Malta ghall-perijodu twil u li jkunu jixtiequ jerġġhu lura Malta wara li jkunu rtiraw jew saru inkapaċi għax-xogħol b'mod permanenti.

Minn jahdem ghal rasu, persuni li jistabbilixxu ruhhom u jipprovdu jew jirċievu servizzi.

**7. (1)** Minghajr preġudizzju għar-regolament 3 u bla hsara għal kull restrizzjoni jew kondizzjoni li jistgħu jkunu imposti b'dawn ir-regolamenti:

(a) kull Ċittadin ta' l-Unjoni jista' jidhol Malta biex jistabbilixxi lili nnifsu f'Malta sabiex jagħmel attivitajiet bhala persuna impjegata għal rasha, sabiex jipprovdi servizzi f'Malta, jew biex jirċievi servizzi; u

(b) id-dipendenti għandhom ikollhom l-istess drittijiet daqs ta' dak iċ-Ċittadin, minghajr preġudizzju għall-htieġa li dawk id-dipendenti jistgħu jinhtieġu li jkollhom viża biex jidhlu ġewwa Malta.

(2) L-Uffiċjal Prinċipali ta' l-Immigrazzjoni ghandu jiffacilita d-dhul ta' kull membru tal-familja ta' Ċittadin kif imsemmi

fis-subregolament (1) ta' dan ir-regolament, jekk dak il-membru tal-familja jkun ekonomikament jiddependi miċ-Ċittadin ta' l-Unjoni, jew mill-konjuġi tiegħu, jew kien qed ighix miegħu jew magħha fil-pajjiż ta' l-oriġini.

(3) Id-disposizzjonijiet tas-subregolamenti (2) u (3) tar-regolament 4, u għar-rigward ta' persuni li jahdmu għal rashom tas-subregolament (1) tar-regolament 6, għandhom ikunu japplikaw *mutatis mutandis*.

(4) Id-dritt ta' residenza għall-persuni li jipprovdu u jirċievu servizzi għandu jkun għall-istess perijodu daqs dak li matulu ikunu pprovduti s-servizzi. Jekk il-perijodu li matulu s-servizzi jkunu pprovduti ikun ta' iżjed minn tliet xhur, għandu jinhareġ permess għal residenza; meta l-perijodu mhuwiex iżjed minn tliet xhur, id-dokument ta' identifikazzjoni li bih il-persuna involuta dahlet Malta għandu jkun biżżejjed biex ikopri ż-żjara tagħha.

(5) Dokument għal residenza għandu jinhareġ għal dipendenti li mhumiex Ċittadini ta' l-Unjoni, u dak id-dokument għal residenza għandu jkollu l-istess validita' daqs dak għal Ċittadin ta' l-Unjoni involut.

(6) Applikant għall-permess ta' residenza u, jew, dokument għal residenza, li jkun wiehed mill-persuni msemmija fis-subregolament (1) ta' dan ir-regolament għandu jippreżenta:

(a) dokument ta' identifikazzjoni validu, u, meta tkun meħtieġa viza skond is-subregolament (1) ta' dan ir-regolament għal dipendent, il-viża li biha jkun dahal Malta; u

(b) prova li jaqa' taht wahda mill-kategoriji ta' persuni msemmija f'dan ir-regolament.

(7) Id-disposizzjonijiet tas-subregolamenti (6) sa (14) tar-regolament 6 fuq id-dritt li persuna tibqa' Malta b'mod permanenti għandhom japplikaw *mutatis mutandis* għal Ċittadini ta' l-Unjoni li eżerċitaw attivitajiet bhala persuni li jahdmu għal rashom f'Malta, u għad-dipendenti tagħhom.

(8) Ebda Ċittadin ta' l-Unjoni jew dipendent tiegħu ma jista' jeżerċita attivitajiet bhala persuna li taħdem għal rasha, kemm-il darba ma –

(a) jkunx persuna *bona fide* li taħdem għal rasha;

(b) joperax minn indirizz registrat u ma jkunx jissodisfa l-htigiet l-ohra kollha li s-soltu jinhtiegu minn Ċittadin Malti li jahdem ghal rasu, inkluż dak kollu li ghandu x'jaqsam ma' registrazzjoni u taxxi; u

(ċ) jkollux l-hila li jmantni lilu nnifsu u lil dawk id-dipendenti li jistghu jkunu qed jakkompanjawh.

(9) Ir-regolamenti msemmija fis-subregolament (8) tar-regolament 5 ghandhom japplikaw ghal persuni li jahdmu ghal rashom u ghal persuni li jipprovdu servizzi.

Id-dritt ta' residenza ghal studju.

**8.** (1) Ċittadin ta' l-Unjoni ghandu d-dritt li jirrisjedi f'Malta ghall-iskop li jaqbad kors ta' edukazzjoni li jinkludi tahriġ vokazzjonali skond dan ir-regolament.

(2) Minghajr preġudizzju ghall-ġeneralita' tar-regolamenti 3 u 4, id-dritt ta' residenza rikonoxxut bis-subregolament (1) ghandu jkun bla hsara ghall-kondizzjonijiet li ġejjin:

Kap. 327.  
Kap. 343.

(a) li ċ-Ċittadin ta' l-Unjoni jkun registrat fi stabbiliment ta' edukazzjoni rikonoxxut kif provdut fl-Att dwar l-Edukazzjoni jew fl-Att dwar is-Servizzi ta' l-Impjieġ u Tahriġ ghall-iskop ewlieni li jsegwi fih kors ta' edukazzjoni, inkluż kors ta' tahriġ vokazzjonali;

(b) li kemm hu kemm id-dipendenti tieghu li huma intitolati li jakkompanjawh, kif imfisser fis-subregolament (4), u li jkunu qed jakkompanjawh, ikunu koperti b'assigurazzjoni kontra l-mard ghar-rigward tar-riskji kollha f'Malta; u

(ċ) li jagħmel dikjarazzjoni tar-rizorsi tieghu jew xort'ohra jagħti assigurazzjoni lill-Uffiċjal Prinċipali ta' l-Immigrazzjoni li ghandu rizorsi biżżejjed biex jevita milli jsir piż fuq is-sistema ta' assistenza soċjali f'Malta waqt il-perijodu ta' residenza tieghu u tad-dipendenti tieghu.

(3) Ċittadin ta' l-Unjoni li jkun qed jipprova jidhol Malta ghall-finijiet ta' dan ir-regolament ghandu jagħti biżżejjed prova ta' konformita' mal-kondizzjonijiet preskritti f'dan ir-regolament lill-Uffiċjal Prinċipali ta' l-Immigrazzjoni fil-hin tad-dhul tieghu f'Malta.

(4) Bla hsara ghall-ġeneralita' tad-disposizzjonijiet dwar Ċittadini ta' Pajjiż Terz, id-dipendenti ta' l-istudent ghandhom ikunu intitolati li jakkompanjawh, li jirrisjedu f'Malta u li jaqdbu attivita' ta' impjieġ jew ta' impjieġ ghal rashom f'Malta, ukoll jekk mhumiex huma

stess Ċittadini ta' l-Unjoni, b'dan iżda li għall-finijiet ta' dan ir-regolament, il-kelma "dipendent" ma tinkludix l-axxendenti ta' l-istudent jew tal-konjuġi tiegħu.

(5) Id-drittijiet ta' residenza rikonoxxuti jew li jistgħu jibbenefikaw minnhom taht dan ir-regolament għandhom jibqgħu jgħoddu għall-perijodu tal-kors ta' studju in kwistjoni u sakemm jibqgħu jeżistu l-kondizzjonijiet imsemmija f'dan ir-regolament.

(6) Sakemm ma jkunx provdut xort'ohra f'dan ir-regolament, permess għal residenza, hekk kif jista' jkun preskritt, mahruġ wara applikazzjoni lil Ċittadin ta' l-Unjoni, għandu jkun limitat fiż-żmien għal:

(a) il-kors ta' studji partikolari, meta l-perijodu ta' dak il-kors hu iqsar minn sena waħda; jew

(b) perijodu ta' sena waħda fuq bażi li jista' jiġġedded jekk il-kors ta' studju jdum aktar.

(7) Id-dipendenti tiegħu għandhom ikunu intitolati wkoll għal dak il-permess, iżda jekk ma jkunux Ċittadini ta' l-Unjoni, f'dak il-każ għandu jinharġilhom dokument għal residenza li jkollu l-istess validità bħal dak mahruġ lil Ċittadin ta' l-Unjoni.

(8) Id-dritt għal permess għal residenza u, jew, dokument għal residenza, meta dan ikun johroġ johroġ minn dan ir-regolament, għandu jintwera bil-mod li ġej:

(a) għall-istudent:

(i) dokument ta' identifikazzjoni validu;

(ii) prova li huwa kien ġie reġistrat fi stabbiliment ta' edukazzjoni rikonoxxut għall-iskop ewlieni li jsegwi fih kors ta' edukazzjoni inkluż kors ta' taħriġ vokazzjonali;

(iii) prova li huwa kopert b'assigurazzjoni kontra l-mard kif provdut fil-paragrafu (b) tas-subregolament (2) hawn qabel;

(iv) dikjarazzjoni li għandu riżorsi biżżejjed kif imsemmi fil-paragrafu (c) tas-subregolament (2) hawn qabel;

(b) għad-dipendenti tiegħu:

(i) dokument ta' identifikazzjoni validu;

(ii) viża, jekk id-dipendenti ma jkunux Ċittadini ta' l-Unjoni iżda ta' stat li ċ-ċittadini tiegħu jehtieġu viża meta jaqsmu l-post fejn taqşam il-fruntiera;

(iii) prova tar-relazzjoni ma' l-istudent u, fejn applikabbli, tad-dipendenza minnu;

(iv) prova li kull dipendent huwa kopert b'assigurazzjoni kontra l-mard kif provdut fil-paragrafu (b) tas-subregolament (2) hawn qabel;

(v) dikjarazzjoni mill-istudent li ghandu rizorsi biżżejjed kif imsemmi fil-paragrafu (ċ) tas-subregolament (2) hawn qabel.

Residenza għal  
perijodu twil ta'  
żmien.

9. (1) Ċittadin ta' l-Unjoni u d-dipendenti tiegħu li ma jibbenefikawx b'mod iehor mid-dritt ta' residenza f'Malta taht din it-Taqsima ghandu jkollhom id-dritt li jirrisjedu f'Malta skond id-disposizzjonijiet ta' dan ir-regolament.

(2) L-Uffiċjal Principali ta' l-Immigrazzjoni ghandu johroġ għall-persuni msemmija fis-subregolament (1) ta' dan ir-regolament permess għal residenza u, jew, dokument għal residenza validu għall-perijodu massimu ta' hames snin, li jiġġedded b'mod awtomatiku, sakemm iċ-Ċittadin ta' l-Unjoni u dawk id-dipendenti li jkunu qeghdin attwalment jakkompanjawh:

(a) ikunu koperti b'assigurazzjoni kontra l-mard għar-rigward tar-riskji kollha f'Malta;

(b) ikollhom rizorsi biżżejjed kif provdut f'dan ir-regolament biex jevitaw milli jsiru piż fuq is-sistema ta' assistenza soċjali f'Malta matul il-perijodu ta' residenza tagħhom; u

(ċ) jgħibu prova ta' dan, flimkien ma' dokument ta' identifikazzjoni validu u, fil-każ ta' dipendenti li huma Ċittadini ta' Pajjiż Terz, viża valida, meta tiġi ppreżentata l-applikazzjoni għal permess għal residenza u, jew, għal dokument għal residenza.

(3) Għall-finijiet tal-paragrafu (b) tas-subregolament (2), ir-rizorsi msemmija f'dak il-paragrafu ghandhom jitqiesu li huma biżżejjed jekk ikunu oghla mil-livell tar-rizorsi indikat mill-Ministeru responsabbli għall-politika soċjali bhala l-mezzi minimi li jiddeterminaw l-ghoti ta' assistenza soċjali lil Ċittadini Maltin, fejn jittiehdu in konsiderazzjoni

ċ-ċirkostanzi personali ta' l-applikant u, fejn ikun xieraq, iċ-ċirkostanzi personali tad-dipendenti li jkunu qeghdin jakkompanjawh. Jekk dan il-kriterju ma jistax ikun applikat, dawk ir-riżorsi ghandhom jitqiesu li huma suffiċjenti jekk ikunu oghla mil-livell tal-pensjoni tas-sigurtà soċjali nazzjonali minima mhallsa mill-Gvern ta' Malta fiż-żmien ta' l-applikazzjoni.

(4) Bla hsara ghad-disposizzjonijiet ta' dan ir-regolament, id-dipendenti ghandu, irrispettivament miċ-ċittadinanza taghhom, ikollhom id-dritt li jstabilixxu ruhhom f'Malta ma' dak iċ-Ċittadin ta' l-Unjoni li jkun intitolat li jirrisjedi f'Malta taht id-disposizzjonijiet ta' dan ir-regolament.

(5) Id-drittijiet ta' residenza rikonoxxuti jew li jistgħu jiġu gawduti taht dan ir-regolament ghandhom ikomplu ghaddejn sakemm ikomplu jeżistu il-kondizzjonijiet imsemmija f'dan ir-regolament.

(6) Id-disposizzjonijiet tas-subregolamenti (2), (3) u (4) tar-regolament 4 ghandhom japplikaw *mutatis mutandis*. Madankollu l-permess jista' jerga' jkun konfermat fi tmiem l-ewwel sentejn ta' residenza.

(7) Bla hsara ghad-disposizzjonijiet preċedenti ta' dan ir-regolament u tar-regolament 3, id-dipendenti ta' Ċittadin ta' l-Unjoni ghandhom ikunu intitolati li jiehdu xi attivita' ta' impjieg jew ta' impjieg ghal rashom f'Malta, ukoll jekk mhumiex huma stess Ċittadini ta' l-Unjoni, taht l-istess kondizzjonijiet applikabbli ghal dawk iċ-ċittadini.

(8) L-Uffiċjal Prinċipali ta' l-Immigrazzjoni ghandu jiffacilita d-dhul ta' xi membru tal-familja ta' Ċittadin imsemmi fis-subregolament (1) hawn qabel, jekk dak il-membru tal-familja jkun ekonomikament jiddependi miċ-Ċittadin ta' l-Unjoni, jew il-konjuġi tiegħu, jew kien qiegħed ighix miegħu fil-pajjiż ta' l-oriġini.

**10.** (1) L-Uffiċjal Prinċipali ta' l-Immigrazzjoni ghandu jiehu deċiżjoni dwar jekk ghandux jagħti jew jiċhad l-ewwel permess ghal residenza, jew jekk ghandux iġedded dak l-istess permess, malajr kemm jista' jkun u f'kull każ mhux aktar tard minn sitt xhur mid-data ta' l-applikazzjoni għall-permess. Il-persuna involuta ghandha tithalla tibqa' f'Malta b'mod temporanju sakemm tittiehed deċiżjoni fuq jekk din l-applikazzjoni ghandhiex tingħata jew tiġi miċhuda.

Hruġ u tiġdid ta' permessi u dokumenti ohra.

(2) Meta jkun hekk mehtieg, l-Uffiċjal Prinċipali ta' l-Immigrazzjoni jista' jitlob minn Stat Membru, sew jekk ikun stat ta' l-oriġini ta' l-applikant jew xi Stat Membru iehor, informazzjoni fuq kull fedina penali jew ċertifikat ta' kondotta ta' l-applikant.

(3) Meta l-informazzjoni msemmija fis-subregolament ta' qabel tkun mitluba minghand l-awtorita' kompetenti ta' Malta minn Stat Membru iehor, l-awtorita' kompetenti ghandha taghti risposta fi zmien xahrejn minn meta tkun irceviet it-talba.

(4) Meta applikazzjoni tigi miçhuda, il-persuna involuta ghandha, sakemm dan ma jmurx kontra l-interess tas-sigurta' ta' Malta, tkun informata bir-raġunijiet ta' *policy* pubblika, sigurta' pubblika, jew saħħa pubblika li fuqhom tkun ibbażata d-deciżjoni mehuda fil-każ tagħha.

(5) Il-persuna involuta ghandha tkun notifikata ufficjalment b'kull deciżjoni li tiçhad il-hruġ jew it-tiġdid ta' permess għal residenza jew b'deciżjoni biex titnehha minn Malta, u f'dak il-każ, l-individwu ghandu jkun mitlub jitlaq minn Malta.

(6) Il-perijodu mogħti biex titlaq minn Malta ghandu jkun imsemmi f'dak l-avviz iżda hlief f'każi ta' urġenza, dan il-perijodu ma ghandux ikun ta' anqas minn hmistax-il jum jekk il-persuna involuta ma kinitx inghatat permess għal residenza u ta' mhux anqas minn xahar f'kull każ iehor.

### TAQSIMA III:

#### Drittijiet ta' Ċittadini ta' Pajjiż Terz

Dhul u moviment  
f'Malta.

**11.** (1) Bla hsara għad-disposizzjonijiet ta' l-artikolu 6 ta' l-Att u għad-disposizzjonijiet li ġejjin ta' dan ir-regolament, Ċittadin ta' Pajjiż Terz jista' jithalla jidhol Malta għal żjara li l-perijodu tagħha ma jeççediex it-tliet xhur sakemm:

(a) ikollu passaport validu;

(b) ikollu viża valida, kif meħtieġ mill-Istruzzjonijiet Konsulari Komuni;

(c) jissottometti, qabel ma jidhol Malta, dokumenti li huma prova ta' l-iskop u l-kondizzjonijiet taż-żjara ppjanata, skond ma japplika;

(d) ikollu, ukoll jekk ikollu fil-pussess tiegħu viża valida, mezzi biżżejjed ta' manteniment, kemm għall-perijodu taż-żjara ppjanata kif ukoll biex jerga' lura lejn il-pajjiż ta' oriġini jew biex jivvjaġġa minn post għall-iehor lejn stat terz li d-dhul tiegħu fih huwa garantit, jew ikun f'posizzjoni li jakkwista dawk il-mezzi b'mod legali;

(e) ma jkunx gie rappurtat bhala persuna li ma tithallix tidhol; u

(f) ma jkunx meqjus bhala theddida ghall-*policy* pubblika jew għas-sigurtà nazzjonali.

(2) Jekk il-kondizzjonijiet kollha msemmija fis-subregolament ta' qabel dan ma jitwettqux, Ċittadin ta' Pajjiż Terz ma jithallix jidhol Malta hliet meta:

(a) l-Uffiċjal Prinċipali ta' l-Immigrazzjoni jqies li jkun neċessarju li jdahhlu għal raġunijiet umanitarji jew fl-interess nazzjonali jew biex jadempixxi l-obbligi internazzjonali tal-Gvern ta' Malta; jew

(b) ikollu permess uniformi għal residenza jew viża b'riferenza għal dhul mill-ġdid, jew it-tnejn li huma skond ma jkun mehtieg, mahruġa minn Stat Membru, li f'dan il-każ, għandu jithalla jidhol Malta għall-iskop uniku li jmur lejn xi post iehor; jew

(ċ) ikollu viża tax-*Schengen* hu u diehel Malta minn Stat fix-*Schengen*, iżda jekk ikun sejjer lura f'xi Stat fix-*Schengen* il-validita' ta' dik il-viża tkun tkopri l-perijodu li jkun ser iqatta' Malta u r-ritorn tiegħu fl-Istat fix-*Schengen* li minnu jkun wasal, jew meta ma jkunx ser jirritorna f'xi Stat fix-*Schengen*, ikollu biżżejjed mezzi u dokumenti biex ikopri l-perijodu li ser idum f'Malta u l-vjaġġ ta' wara.

(3) Ebda haġa f'din it-Taqsima ma għandha tippregudika l-applikazzjoni tad-disposizzjonijiet speċjali dwar id-drittijiet ta' persuni skond ma hemm regolat fl-Att dwar ir-Rifuġjati.

Kap.420.

(4) Ċittadin ta' Pajjiż Terz li ma huwiex mehtieg li jkollu viża skond id-disposizzjonijiet ta' din it-Taqsima għandu jkun intitolat li jidhol u li jkollu liberta' ta' moviment f'Malta għall-perijodu ta' tliet xhur, iżda l-Uffiċjal Prinċipali ta' l-Immigrazzjoni jista' jestendi iż-żjara f'Malta ta' dak iċ-Ċittadin ta' Pajjiż Terz għal iktar minn tliet xhur.

(5) Id-disposizzjonijiet ta' dawn ir-regolamenti huma bla preġudizzju għad-drittijiet ta' Ċittadini ta' Pajjiż Terz taht it-Taqsima II ta' dawn ir-regolamenti.

(6) Ebda haġa f' dawn ir-regolamenti ma ghandha tintfiehemi bhala li taghti lil xi persuna, li tkun persuna li ma tithallix tidhol, id-dritt ta' dhul.

Permessi uniformi ghal residenza lil Cittadini ta' Pajjiż Terz.

**12.** (1) Ċittadin ta' Pajjiż Terz ghandu jkun intitolat biss li jirrisjedi f'Malta jekk jinhariglu permess uniformi ghal residenza ghal skop speċifiku.

(2) Id-disposizzjonijiet tas-subregolament (1) ta' dan ir-regolament ma ghandhomx japplikaw ghal Ċittadin ta' Pajjiż Terz li kien inghata permess temporanju biex jirrisjedi f'Malta ghall-fini ta' l-ipproċessar ta' applikazzjoni ghal asil jew ta' applikazzjoni ghal permess uniformi ghal residenza.

(3) Minghajr preġudizzju ghas-subregolament 3 tar-regolament 7, id-disposizzjonijiet tar-regolamenti 5, 6, 8, 9 u 10 ghandhom japplikaw *mutatis mutandis* ghal din it-Taqsima, hekk illi Ċittadin ta' Pajjiż Terz ma jistax japplika ghal liċenza jew ghal permess uniformi ghal residenza ghall-fini li jfittex jew jibda impjeg; lanqas ma jista' japplika biex ibiddel in-natura tal-permess uniformi ghal residenza f'wiehed li jawtorizzah li jfittex jew jibda impjeg, waqt li jkun diġà jinsab Malta, hlief kif il-Ministru jista' jordna f'ċirkostanzi eċċezzjonali.

#### TAQSIMA IV:

##### Dokumenti ta' l-Ivvjaġġar, Viżi u Verifiki fuq il-Fruntiera

Dokumenti ta' l-Identifikazzjoni.

**13.** Tista' l-identifikazzjoni f'kull post fejn taqşam il-fruntiera, bla hsara ghad-disposizzjonijiet ta' dawn ir-regolamenti, issir permezz ta' passaport, karta ta' l-identita' ufficjali, jew dokument ufficjali iehor skond ma jista' jiftiehem bejn l-Istati Membri:

Izda fir-rigward ta' Ċittadini ta' Pajjiż Terz, ghandu japplika r-regolament 11.

Dokument ta' l-Ivvjaġġar ta' Emergenza.

**14.** Dokument ta' l-Ivvjaġġar ta' Emergenza mahruġ mill-Ufficjal tal-Passaporti ghandu jaghti d-dritt lid-detentur li jaqsam post fejn taqşam il-fruntiera kif indikat f'dak id-dokument.

Dhul u hrug minn post fejn taqşam il-fruntiera.

**15.** (1) B'mod generali ma ghandhom isiru l-ebda verifiki fuq il-fruntiera fuq Ċittadini Maltin u Ċittadini ta' l-Unjoni li jidhlu jew johorġu minn post fejn taqşam il-fruntiera izda dan ma ghandux jolqot l-obbligu ta' kull persuna li żżomm u jkollha fuqha dawk il-permessi u d-dokumenti li jinhtiegu li jinżammu. L-awtoritajiet kompetenti jistgħu

jhaddmu s-setghat tal-pulizija skond il-liġi ta' Malta f'kull parti mit-territorju Malti kif jista' jinhtieg.

(2) Il-Ministru jista' b'Ordni, fl-interess tal-*policy* pubblika jew tas-sigurtà nazzjonali, jipprovdi li ghal perijodu limitat il-verifiki fuq il-fruntieri adatti ghas-sitwazzjoni jitwettqu fil-post fejn taqşam il-fruntiera, iżda l-Ministru ghandu, ma' l-ewwel opportunita' li jkollu, jinforma lill-Istati Membri l-oħra.

(3) Meta jsiru l-verifiki fuq il-fruntiera, kull persuna ghandha tkun soġġetta ghal mill-anqas verifika wahda li titwettaq bil-hsieb li tkun stabbilita l-identità tagħha abbażi ta' dawk id-dokumenti ta' l-ivvjaġġar kif jistgħu jinhtieġu u barra minn dan, ghandhom japplikaw dawn il-prinċipji li ġejjin:

(a) Ċittadini ta' l-Unjoni, inklużi Ċittadini Maltin, il-vetturi u l-oġġetti tagħhom ghandhom ikunu soġġetti biss għall-verifiki fuq il-fruntiera li jsiru bl-addoċċ u dawk il-verifiki ghandhom jinkludu il-verifika tad-dokumenti ta' l-ivvjaġġar u tal-kondizzjonijiet l-oħra li jirregolaw id-dhul u r-residenza, inkluża d-dokumentazzjoni msemmija f'dawn ir-regolamenti kif ukoll verifiki biex jiskopru u jimpedixxu kull theddid ghas-sigurtà nazzjonali u għall-*policy* pubblika;

u

(b) Verifiki fuq il-fruntiera b'mod regolari ghandhom jitwettqu fuq Ċittadini ta' Pajjiż Terz, inkluż f'dan il-każ, verifika biex ikun stabbilit li ċ-ċittadin ta' Pajjiż Terz ikollu, meta jkun mehtieg, viża valida.

**16.** (1) Huwa reat li persuna taqşam jew tipprova taqşam il-fruntiera b'mod iehor milli skond id-disposizzjonijiet ta' dawn ir-regolamenti u kull persuna li tinsab hatja ta' dan ir-reat tista', meta tinsab hatja, tehel il-pieni kontemplati fl-Att.

Postijiet fejn taqşam il-fruntiera.

(2) Persuna li takkwista permess ghal residenza, dokument ghal residenza jew permess uniformi ghal residenza abbażi ta' informazzjoni falza jew żbaljata jew inkella tkun taf b'dan l-att, jew li, wara li tkun akkwistat ir-residenza ghal xi skop partikolari, tbiddel l-iskop tar-residenza tagħha mingħajr ma tgharraf jew tikseb il-permess ta' l-Uffiċjal Prinċipali ta' l-Immigrazzjoni skond il-każ, tkun hatja ta' reat u tista', meta tinstab hatja, tehel il-pieni ghal reati kontemplati fl-Att.

(3) Minghajr preġudizzju għas-subregolamenti (1) u (2) ta' dan ir-regolament, l-Uffiċjal Prinċipali ta' l-Immigrazzjoni jista' jnehhi lill-persuna msemmija f'dawk is-subregolamenti.

(4) L-Uffiċjal Prinċipali ta' l-Immigrazzjoni jista' jipprovdi għall-implimentazzjoni kif imiss ta' dawn ir-regolamenti inkluż, minghajr preġudizzju għall-ġeneralità ta' din id-disposizzjoni, li jagħmel elenku ta' persuni li ma jithallewx jidhlu Malta.

(5) Bla ħsara għad-disposizzjonijiet tal-liġi aktar importanti li għandhom x'jaqsmu ma' l-protezzjoni tad-*data*, l-Uffiċjal Prinċipali ta' l-Immigrazzjoni jista' jehtieg li kull trasportatur għandu jipprovdi l-isem u l-kunjom tal-passiġġieri li jistghu jkunu qeghdin jidhlu jew johorġu minn post fejn taqşam il-fruntiera.

Vizi.

**17.** (1) Minghajr preġudizzju għad-drittijiet ta' dhul u residenza previsti kemm bl-Att kif ukoll b' dawn ir-regolamenti u għall-poteri ta' l-Uffiċjal Prinċipali ta' l-Immigrazzjoni li johroġ viża fil-fruntiera skond il-każ, ebda persuna li, taht l-Istruzzjonijiet Konsulari Komuni tehtieg li jkollha viża biex taqşam post fejn taqşam il-fruntiera, ma tista' tidhol Malta minghajr viża.

(2) Il-fatt biss li jkollu viża ma jintitolax lid-detentur tagħha għal dritt awtomatiku ta' dhul.

(3) Il-Ministru jista', b'Ordni, jagħmel eżenzjonijiet mill-htieġa ta' viża fir-rigward:

(a) tad-detenturi ta' passaporti diplomatiċi, passaporti ta' persuni fuq dmirijiet uffiċjali u passaporti uffiċjali ohra;

(b) ta' ekwipaġġ pajżan ta' l-ajru u tal-baħar;

(ċ) ta' l-ekwipaġġ u l-assistenti ta' ajruplan f'titjiriet ta' emerġenza jew ta' salvataġġ u assistenti ohra f'każ ta' diżastru jew incident;

(d) tad-detenturi ta' "*laissez-passer*" mahruġa minn ċerti organizzazzjonijiet inter-governattivi lill-uffiċjali tagħhom;

(e) ta' persuni li jidhlu Malta biex jeżerċitaw attività li thalli l-qliegh waqt il-permanenza tagħhom;

(f) ta' xi tifel ta' l-iskola li jkollu *ċittadinanza* ta' Pajjiż Terz u li jkun jehtieg viża li jirrisjedi f'Pajjiż Terz li jkun eżentat mill-htieġa ta' viża u jkun qieghed jivvjagġa fil-kuntest ta'

eskursjoni ta' l-iskola bhala membru ta' grupp ta' tfal ta' l-iskola akkompanjati minn ghalliem mill-iskola in kwistjoni:

(g) ta' xi tifel ta' l-iskola li huwa Ċittadin ta' Pajjiż Terz iżda li huwa residenti legalment fi Stat Membru u li jitlob id-dhul f'Malta jew ghal żjara qasira jew fi transitu.

(4) Persuni apolidi skond it-tifsira tal-Konvenzjoni ta' New York tat-28 ta' Settembru 1954 u rifuġjati rikonoxxuti skond it-tifsira tal-Konvenzjoni ta' Hinevra tat-28 ta' Lulju 1951 ghandhom ikunu soġġetti ghall-htieġa ta' viża jew ghandhom ikunu eżentati minnha taht istess pattijiet daqs Ċittadini ta' Pajjiżi Terzi li fihom dawk il-persuni apolidi jew rifuġjati rikonoxxuti jkunu jirrisjedu u li kienu hargu d-dokumenti ta' l-ivvjaġġar lil dawk il-persuni apolidi jew rifuġjati rikonoxxuti.

## Taqsim V:

### Disposizzjonijiet Mixxellanji

**18.** (1) Id-disposizzjonijiet ta' l-Att dwar il-Karti ta' l-Identità ghandhom japplikaw ghal kull persuna li tkun intitolata tirrisjedi f'Malta ghall-perijodu ta' aktar minn sitt xhur skond id-disposizzjonijiet ta' dawn ir-regolamenti. Karta ta' l-Identità.

(2) Karta ta' l-Identità mahruġa lil persuna li ma tkunx Ċittadin Malti skond id-disposizzjonijiet tas-subregolament ta' qabel, ma ghandhiex titqies bhala dokument ta' l-ivvjaġġar validu.

**19.** Kull persuna li thoss ruhha aggravata minn xi deċiżjoni ta' l-Uffiċjal Prinċipali ta' l-Immigrazzjoni tista' tappella lill-Bord kif provdut fis-subartikolu (5) ta' l-artikolu 25A ta' l-Att. Appelli.

**20.** (1) Il-Ministru jista', b'Ordni, jestendi d-drittijiet, kollha jew xi whud minnhom, li jappartjenu liċ-Ċittadini ta' l-Unjoni lil ċittadini ta' dawk l-istati skond ma jista' jiġi preskritt fl-Ordni. Applikabilità.

(2) Il-Ministru jista', b'Ordni, jeżenta lil kull persuna:

(a) li tkun membru tal-forzi armati ta' pajjiż li mhux Malta li jkunu qeghdin f'Malta taht u ghall-iskop ta' arrangamenti mal-Gvern ta' Malta; jew

(b) li tkun Malta f'kapaċità konsultattiva jew biex taghti pariri lil Gvern ta' Malta li jkun stedinha,

mid-disposizzjonijiet kollha ta' dawn ir-regolamenti jew minn xi wħud minnhom.

Drittijiet dovuti.

**21.** B'Ordni maghmula taht dawn ir-regolamenti, il-Ministru jista' wkoll jistipula d-drittijiet u l-hlasijiet li jistghu jkunu dovuti.

Disposizzjonijiet transitorji.

**22.** (1) Minghajr preġudizzju għall-ġeneralità tad-disposizzjonijiet l-oħra ta' dawn ir-regolamenti, id-disposizzjonijiet li ġejjin għandhom japplikaw għal persuni legalment residenti f'Malta fiż-żmien tad-dhul fis-seħh ta' dawn ir-regolamenti:

(a) kull persuna li kienet fil-pussess ta' permess għal residenza mahruġ skond l-artikolu 7 ta' l-Att qabel id-dhul fis-seħh ta' dawn ir-regolamenti tista' tkun mitluba mill-Uffiċjal Prinċipali ta' l-Immigrazzjoni li l-permess tagħha jerga' jiġi kkonfermat mill-ġdid;

(b) jekk il-persuna tkun tirisjedi f'Malta għall-fini ta' impjieg:

i) meta dik il-persuna tkun Ċittadin ta' l-Unjoni, hija għandha tapplika lill-Uffiċjal Prinċipali ta' l-Immigrazzjoni għal permess għal residenza u għandha turi liċenza bhala prova ta' l-impjieg tagħha f'Malta;

ii) meta dik il-persuna tkun Ċittadin ta' Pajjiż Terz, hija għandha bl-istess mod, tapplika għal permess uniformi għal residenza jew għal dokument għal residenza, skond il-kaz;

(ċ) id-disposizzjonijiet tal-paragrafi (a) u (b) għandhom, *mutatis mutandis*, japplikaw għad-dipendenti.

(2) Minghajr preġudizzju għas-subregolament (1), Ċittadin ta' Pajjiż Terz li kien ilu residenti f'Malta b'mod regolari għal perijodu kontinwu ta' erba' snin qabel l-1 ta' Mejju 2004, esklużi perijodi li qatta' barra minn Malta li jammontaw għal tliet xhur fis-sena jew inqas, għandu jkun mehtieg japplika għal permess uniformi għal residenza bis-saħħa ta' dawn ir-regolamenti, sa mhux aktar tard mill-31 ta' Ottubru 2004.

(3) Ir-regolamenti 8 u 12 għandhom japplikaw għal kull student li jinsab Malta fid-data tad-dhul fis-seħh ta' dawn ir-regolamenti, kemm-il darba dak l-istudent ma jkunx ser jitlaq minn Malta għalkollox sal-31 ta' Awissu 2004.

**L.N. 205 of 2004**

**IMMIGRATION ACT  
(CAP. 217)**

**Immigration Regulations, 2004**

IN exercise of the powers conferred by articles 4A and 36 of the Immigration Act, the Deputy Prime Minister and Minister for Justice and Home Affairs has made the following regulations:-

**PART I:  
PRELIMINARY**

**1.** (1) The title of these regulations is the Immigration Regulations, 2004. Title and commencement.

(2) These regulations shall come into force on 1st May, 2004, except for regulation 12(3) which shall come into force on such date or dates as the Minister may by notice in the Gazette appoint.

**2.** In these regulations, unless the context otherwise requires:- Interpretation.

“the Act” means the Immigration Act;

“border crossing point”, unless otherwise provided by or under these regulations, means any crossing point between states, and “border check” means a check carried out at such border crossing point in response exclusively to an intention to pass through the border crossing point;

“Citizen of the Union” means a national of any Member State and includes Maltese nationals where the context so requires;

“Common Consular Instructions” means the ‘Common Consular Instructions on visas for the diplomatic missions and consular posts of the Contracting Parties to the Schengen Convention’ issued by the European Union as defined in the European Union Act; Cap. 460.

“dependant” in relation to another person means:

(a) for right of residence –

(i) his spouse and their descendants under twenty-one years of age or who depend on them;

(ii) his ascendants and those of his spouse who depend on them;

(b) for right to employment –

(i) his spouse;

(ii) their children under twenty-one years of age or who depend on such person;

Cap. 343.

“employment agency” means the public agency on employment service set up in terms of the Employment and Training Services Act;

“identification document” includes a valid passport, identification card, travel document or other appropriate document as the Minister may, by Notice in the Gazette, designate as such for the purposes of these regulations;

“licence” means such employment licence as may be required for the holder to engage as an employed person or to carry out some other economic activity in Malta;

“Maltese National” means any person deemed to be a citizen of Malta in virtue of the Constitution of Malta and any other law as may be in force;

“Member State” has the same meaning as that of ‘Agreement State’ as defined in the Act;

“person to be refused entry” means a person who in the opinion of the Principal Immigration Officer is to be withheld from crossing a border crossing point;

“residence document” includes a permit issued under article 4A of the Act to dependants of Citizens of the Union, who are not themselves Citizens of the Union, and in particular includes an authorisation of any type, whether temporary or not, or whether given for a special or ad hoc purpose, giving the right of residence within the territory of Malta;

“residence permit” includes a permit issued under article 4A of the Act, and in particular includes an authorisation of any type, whether temporary or not, or whether given for a special or ad hoc purpose, giving the right of residence to a Citizen of the Union within the territory of Malta;

“Schengen Agreement” has the same meaning as that of “Border Agreement” as defined in the Act and “Schengen” shall be construed accordingly;

“Third Country” means any state except Malta or any another Member State;

“Third Country National” means a person who is not a Citizen of the Union;

“travel document” means such document as entitles the holder to cross a border crossing point;

“uniform residence permit” means a permit issued under article 4A of the Act, and in particular means an authorisation of any type giving the right of residence within the territory of Malta to a Third Country National who is not dependent upon a Citizen of the Union. This definition shall not include temporary permission for residence in Malta for the purpose of the processing of an application for asylum or an application for a uniform residence permit;

“visa” means an authorisation issued in terms of article 8 of the Act for the purpose of these regulations.

## **PART II:**

### **Entry, Free Movement and related rights of Citizens of the Union and their Dependants**

**3.** (1) Subject to the provisions of these regulations, a Citizen of the Union shall have the right to enter, remain and reside in Malta, seek and take up employment or self-employment therein, and such rights shall, subject to what is stated in these regulations, be also applicable to dependants. General provisions.

(2) Subject to limitations justified on grounds of public policy, public security or public health, a Citizen of the Union shall have the right of entry and exit simply on production of a valid identification document and to move freely within Malta for a period of three months, commencing on the date of entry, or such other period as may be prescribed:

Provided that, where he intends to reside for a longer period, he shall apply for and be granted a residence permit as specified in these regulations.

(3) The period of three months referred to in the preceding subregulation is extendable to six months in the case of a person who provides evidence that, subject to the provisions of these regulations, he is genuinely seeking employment and has a genuine prospect of securing employment by the end of the said period of six months.

(4) The Principal Immigration Officer shall not refuse entry into Malta, nor shall he refuse to issue or renew a residence permit or other residence document, or any stamp or visa, as the case may be, to which the persons referred to under this Part are entitled, nor shall he remove such persons, except where such refusal or removal is justified on grounds of public policy, public security or public health.

(5) Where action is taken in accordance with the preceding subregulation, such refusal or removal shall be based exclusively on the personal conduct of the individual concerned, and previous criminal convictions shall not in themselves constitute grounds for the taking of such measures.

(6) Expiry of the identification document used by a Citizen of the Union and his dependants to enter Malta and the failure of such persons to obtain a residence permit or a residence document as the case may be, shall not, by itself, justify removal from Malta.

(7) When the Principal Immigration Officer refuses entry to or refuses to issue a first residence permit to any Citizen of the Union on grounds of public health, reference may only be made to the diseases and disabilities mentioned in any regulation made under articles 44 and, or, 50 of the Prevention of Disease Ordinance. Diseases or disabilities occurring after a first residence permit has been issued shall not, by themselves, justify refusal to renew the residence permit or for removal from Malta.

Cap. 36.

Right of residence.

**4.** (1) Any Citizen of the Union may reside in Malta but where such residence is to exceed the period mentioned in subregulation (2) of regulation 3, or when, during the six month period mentioned in subregulation (3) thereof, such citizen takes up employment, he shall apply for a permit and the Principal Immigration Officer shall, subject to the provisions of these regulations, issue the citizen and, where applicable, his dependants, with a residence permit or a residence document.

(2) Save as otherwise provided for in this regulation, a residence permit shall be valid for a period of five years from the

date of issue and shall, in normal circumstances, be automatically renewable.

(3) Breaks in residence not exceeding six consecutive months and absence on military service shall not affect the validity of the residence permit.

(4) Without prejudice to any rights which dependants may enjoy in terms of these regulations, they shall have the right of residence in Malta only for as long as the right of residence of the Citizen of the Union continues and the conditions mentioned therein continue to subsist.

(5) The Principal Immigration Officer shall facilitate the admission of a family member if such person is economically dependent upon the Citizen of the Union or shares the same abode in the country where they resided before coming to Malta.

(6) A residence permit and, or, residence document shall specify whether the residence has been taken up for the purpose of long-term or permanent stay in Malta, for work, study or other purpose.

(7) Whenever a person wishes to change the scope for which a residence permit and, or, a residence document has been issued, he shall apply to the Principal Immigration Officer, and such Officer shall, subject to the provisions of these regulations in particular those relating to work, issue a new residence permit and, or, a residence document.

(8) The provisions of these regulations shall be without prejudice to the provisions of any law regulating the acquisition of property in Malta by non Maltese nationals and a residence permit or a residence document shall not, by itself, entitle the holder to acquire or hold property in Malta over and above what is regulated by the Immovable Property (Acquisition by Non-Residents) Act.

Cap. 246.

**5.** (1) Where a Citizen of the Union wishes to take up employment (hereinafter referred to as “the worker”) no such employment can be undertaken unless, in addition to a residence permit, a licence has been issued, provided that such licence shall not, subject to what is stated herein, be withheld.

Residence and employment.

(2) The provisions of these regulations shall be without prejudice to any restrictions on employment on grounds of citizenship

in those sectors of the Public Service that are open only to Maltese Nationals.

(3) Where a Citizen of the Union is a worker pursuing an activity as an employed person in Malta, his dependants shall, even if they are Third Country Nationals, have the right to install themselves with the worker, and for such purposes, they shall be issued with a residence permit or a residence document as the case may be, subject to the same rights and conditions as the residence permit held by the person of whom they are dependants, including the right to take up an activity as an employed person in Malta provided that the worker shall have available for his dependants, accommodation considered as normal for Maltese workers.

(4) Entitlement to a residence permit and, or, residence document for the purpose of employment shall be evidenced as follows:

(a) by the worker:

(i) production of a valid identification document with which the Citizen of the Union entered Malta; and

(ii) production of a licence;

(b) by the dependants:

(i) a valid identification document; and

(ii) a visa, if the dependants are citizens of a state whose citizens require a visa when crossing the border crossing point; and

(iii) a document issued by a competent authority of the state of origin or the state from which such dependants came, proving their relationship to the worker; and

(iv) a document issued by the competent authority of the state of origin or the state from which the dependants came testifying that they depend on the worker or that they share the same abode in such country.

(5) A Citizen of the Union who enters Malta for work and who, having been granted a residence permit, is employed in Malta shall, subject to the following provisions of this regulation,

be considered to have resident status for as long as he does not become voluntarily unemployed:

Provided that where the worker employed in Malta has his residence in a Member State other than Malta, and returns to such state at least once a week, he shall be issued with a special residence permit valid for five years and automatically renewable.

(6) Residence may be revoked where the worker has become voluntarily unemployed and such revocation may be extended to his dependants as the case may be.

(7) The Minister responsible for employment, may, by Order, and on the advice of the employment agency, indicate that in his opinion the grant of a licence to a Citizen of the Union and, or, his dependants in a particular sector or occupation creates or may create disturbances on the labour market which could seriously threaten the standard of living or level of employment.

(8) For the purpose of subregulation (7), in particular for the monitoring of the labour market by the employment agency, any person who employs a worker shall abide by the provisions of the Manpower Records (Commencement or Termination of Employment) Regulations, 1993, both at time of employment and at time of termination. L.N.110 of 1993.

(9) Any person who employs a worker without a licence shall be guilty of an offence in terms of the Act.

**6.** (1) Where, in terms of these regulations, a residence permit is issued for the purpose of work, such residence permit may not be withdrawn solely on the grounds that the worker is no longer in employment, either because he is temporarily incapable of work as a result of illness or accident or due to his being involuntarily unemployed, this being duly confirmed by the employment agency: Employment and special circumstances.

Provided that, if he has been involuntarily unemployed for more than twelve consecutive months at the first renewal date, the subsequent period of residence may be restricted to a period of less than five years but more than twelve months on the advice of the employment agency.

(2) A Citizen of the Union who enters Malta to take up employment for a period of between three and twelve months and is so employed by an employer in Malta or is in the employ of a person lawfully providing services in Malta, shall be entitled to apply for a

residence permit the validity of which shall be limited to the expected period of employment.

(3) A residence permit shall likewise be issued to a seasonal worker employed for a period of more than three months for the expected duration of the seasonal work. The period of employment shall be shown in the licence.

(4) A Citizen of the Union who enters Malta to take up employment for three months or less, whether seasonal or otherwise, shall not be entitled to a residence permit but may stay in Malta for the duration of the work period on the basis of a licence.

(5) Subject to the provisions of regulation 3, completion of the formalities for obtaining a residence permit shall not hinder the immediate commencement of employment under a contract lawfully concluded by applicants having the right to take up employment in Malta provided that they are in possession of a licence.

(6) Subject to the provisions of this regulation, a citizen of the Union who has worked in Malta as an employed person as envisaged in regulations 4 and 5 hereof, shall have the right to remain permanently in Malta if:

(a) at the time of termination of his employment he has reached retirement age, has been employed for at least twelve months before that date and has resided continuously in Malta for more than three years; or

(b) he ceases to work as an employed person as a result of permanent incapacity to work, having resided in Malta continuously for more than two years, provided that the required minimum residence period shall not apply if such incapacity is the result of an accident at work or an occupational disease entitling him to a pension for which an institution or body in Malta is wholly or partially responsible; or

(c) having ceased to work as an employed person after three years continuous employment and residence in Malta, he works as an employed person in another Member State while retaining his residence in Malta, to which he returns, at least once a week.

(7) Periods of employment completed in the circumstances of paragraph (c) of subregulation (6) in another

Member State shall be considered as having been completed in Malta for the purposes of entitlement to the rights referred to in paragraphs (a) and (b) of subregulation (6).

(8) The conditions as to length of residence and employment laid down in paragraph (a) of subregulation (6) and the condition as to length of residence laid down in paragraph (b) thereof, shall not apply if the spouse of any such person is a citizen of Malta or has lost Maltese citizenship by reason of marriage to him.

(9) Periods of involuntary unemployment, duly recorded by the employment agency and absences due to illness or accident shall be considered as periods of employment within the meaning of subregulation (6).

(10) Dependants of the person referred to in subregulation (6) and who are residing with him in Malta shall also be entitled to remain in Malta permanently if such person has acquired the right to remain in Malta in accordance with the provisions of this regulation and the rights of such dependants shall subsist even after such person's death:

Provided that if such person dies while in employment before having acquired the right to remain permanently in Malta, the dependants shall be entitled to remain permanently in Malta provided either:

(i) that such person had, on the date of his death, resided continuously in Malta for at least two years; or

(ii) that his death resulted from an accident at work or an occupational disease; or

(iii) that the surviving spouse is a citizen of Malta or lost Maltese citizenship only by reason of marriage to such person.

(11) Such persons who by virtue of this regulation have the right to remain permanently in Malta shall be entitled to a residence permit and, or, a residence document valid for five years which permit and, or, document shall be automatically renewable. Periods of non-residence not exceeding six consecutive months shall not affect the validity of the residence permit and, or, residence document.

(12) The right to remain permanently in Malta as referred to in paragraphs (a) and (b) of subregulation (6) and in subregulation

(10) may be exercised at any time within two years from the time when the person entitled to this right becomes so entitled. During such period the person entitled may leave Malta without prejudicing such right:

Cap. 258.

Provided that no formality is required on the part of the person concerned in respect of the exercise of the right to remain, except that he shall inform the authorised officer designated under the Identity Card Act of his decision.

(13) Continuity of residence as provided for in subregulation (6) and in the proviso to subregulation (10) may be attested by the residence permit and, or, residence document issued in terms of subregulation (11). It shall not be affected by temporary absences not exceeding a total of three months per year, nor by longer absences due to compliance with obligations of military service.

(14) The Principal Immigration Officer shall facilitate the readmission into Malta of workers who have left Malta after having been employed and having resided in Malta for a long period and who wish to return to Malta after having retired or become permanently incapacitated for work.

Self-employment, establishment and the provision or receipt of services.

7. (1) Without prejudice to regulation 3 and subject to any restrictions or conditions as may be imposed by these regulations:

(a) any Citizen of the Union may enter Malta to establish himself in Malta in order to pursue activities as a self-employed person, to provide services in Malta, or as recipient of services; and

(b) the dependants shall have the same rights as such a Citizen, without prejudice to the requirement that such dependants may be required to have a visa for entry into Malta.

(2) The Principal Immigration Officer shall facilitate the admission of any family member of a Citizen as mentioned in subregulation (1) hereof, if such family member is economically dependent upon the Citizen of the Union, or his spouse, or was sharing the same abode in the country of origin.

(3) The provisions of subregulations (2) and (3) of regulation 4, and in so far as self-employed persons are concerned of subregulation (1) of regulation 6, shall *mutatis mutandis* apply.

(4) The right of residence for persons providing and receiving services shall be of equal duration with the period during which the services are provided. If the period during which the services are provided exceeds three months a residence permit shall be issued; where the period does not exceed three months, the identification document with which the person concerned entered Malta shall suffice to cover his stay.

(5) A residence document shall be issued to dependants who are not Citizens of the Union, and such residence document shall have the same validity as for the Citizen of the Union concerned.

(6) An applicant for a residence permit and, or, residence document, being one of the persons mentioned in subregulation (1) hereof shall present:

(a) a valid identification document, and, where a visa is required in accordance with subregulation (1) above for a dependant, the visa with which he entered Malta; and

(b) proof that he falls within one of the categories of persons referred to in this regulation.

(7) The provisions of subregulations (6) to (14) of regulation 6 relating to the right to remain permanently in Malta shall apply, *mutatis mutandis*, in regard to Citizens of the Union who have pursued activities as self-employed persons in Malta and their dependants.

(8) No Citizen of the Union or his dependant can pursue activities as a self-employed, unless he –

(a) is a *bona fide* self-employed person;

(b) operates from a registered address and satisfies all other requirements that are normally required of a self-employed Maltese National, including all matters relating to registration and taxation; and

(c) has the ability to support himself and such dependants as may be accompanying him.

(9) The regulations mentioned in subregulation (8) of regulation 5 shall apply to self-employed persons and providers of services.

**8.** (1) A Citizen of the Union has the right to reside in Malta for the purpose of following a course of education including vocational training in accordance with this regulation.

(2) Without prejudice to the generality of regulations 3 and 4, the right of residence recognised by subregulation (1) shall be subject to the following conditions:

(a) that the Citizen of the Union is enrolled in a recognised educational establishment as provided for in the Education Act or by the Employment and Training Services Act for the principal purpose of following a course of education, including a vocational training course therein;

(b) that he and his dependants entitled to accompany him, as defined in subregulation (4), and accompanying him, are covered by sickness insurance in respect of all risks in Malta; and

(c) that he makes a declaration of resources or otherwise gives an assurance to the Principal Immigration Officer that he has sufficient resources to avoid becoming a burden on the social assistance system in Malta during the period of residence of himself and his dependants.

(3) A Citizen of the Union seeking entry into Malta for the purposes of this regulation shall furnish sufficient proof of compliance with the conditions prescribed in this regulation to the Principal Immigration Officer at the time of entry into Malta.

(4) Subject to the generality of the provisions relating to Third Country Nationals, the dependants of a student shall be entitled to accompany him, to reside in Malta and to take up any employed or self-employed activity in Malta, even if they are not themselves Citizens of the Union, so however that for the purposes of this regulation, the term “dependant” does not include the ascendant of the student or of his spouse.

(5) The rights of residence recognised or enjoyed under this regulation shall continue for the duration of the course of studies in question and as long as the conditions set out in this regulation continue to subsist.

(6) Save as otherwise provided in this regulation, a residence permit as may be prescribed, issued upon application to a Citizen of the Union, shall be limited in duration to:

(a) the particular course of studies, where the duration of such course is shorter than one year; or

(b) a period of one year on a renewable basis if the course of studies is of longer duration.

(7) The dependants shall also be entitled to such permit, but if they are not Citizens of the Union, then they shall be issued with a residence document which has the same validity as that issued to the Citizen of the Union.

(8) Entitlement to a residence permit and, or, a residence document, where it arises under this regulation, shall be evidenced as follows:

(a) for the student:

(i) a valid identification document

(ii) proof that he has been enrolled in a recognised educational establishment for the principal purpose of following a course of education including a vocational training course thereat;

(iii) proof that he is covered by sickness insurance as provided in paragraph (b) of subregulation (2) above;

(iv) a declaration that he has sufficient resources as referred to in paragraph (c) of subregulation (2) above;

(b) for his dependants:

(i) a valid identification document;

(ii) a visa, if the dependants are not Citizens of the Union but of a state whose citizens require a visa when crossing the border crossing point;

(iii) proof of the relationship with the student and, where applicable, of dependence on him;

(iv) proof that each dependant is covered by sickness insurance as provided in paragraph (b) of subregulation (2) above;

(v) a declaration by the student that he has sufficient resources as referred to in paragraph (c) of subregulation (2) above.

Long-term residence.

**9.** (1) A Citizen of the Union and his dependants who do not otherwise enjoy the right of residence in Malta under this Part shall have the right to reside in Malta in accordance with the provisions of this regulation.

(2) The Principal Immigration Officer shall issue the persons mentioned in subregulation (1) hereof with a residence permit and, or, a residence document valid for a maximum period of five years, automatically renewable, provided that the Citizen of the Union and those dependants actually accompanying him:

(a) are covered by sickness insurance in respect of all risks in Malta;

(b) have sufficient resources as provided for in this regulation, to avoid their becoming a burden on the social assistance system in Malta during the period of their residence; and

(c) provide evidence to that effect, along with a valid identification document and, in the case of dependants who are Third Country Nationals, a valid visa, when the application for the residence permit and, or, a residence document is submitted.

(3) For the purposes of paragraph (b) of subregulation (2), the resources referred to in that paragraph shall be deemed sufficient if they are higher than the level of resources indicated by the Ministry responsible for social policy as being the minimum means which determine the grant of social assistance to Maltese Nationals, and taking into account the personal circumstances of the applicant and, where appropriate, the personal circumstances of accompanying dependants. If this criterion cannot be applied, such resources shall be deemed sufficient if they are higher than the level of the national minimum social security pension payable by the Government of Malta at the time of application.

(4) Subject to the provisions of this regulation, the dependants shall, irrespective of their citizenship, have the right to install themselves in Malta with such a Citizen of the Union as is entitled to reside in Malta under the provisions of this regulation.

(5) The rights of residence recognised or enjoyed under this regulation shall continue for as long as the conditions referred to in this regulation continue to subsist.

(6) The provisions of subregulations (2), (3) and (4) of regulation 4 shall *mutatis mutandis* apply. So however that the permit may be revalidated at the end of the first two years of residence.

(7) Subject to the preceding provisions of this regulation and of regulation 3, the dependants of a Citizen of the Union shall be entitled to take up any employed or self-employed activity in Malta, even if they are not themselves Citizens of the Union, under the same conditions applicable to such citizens.

(8) The Principal Immigration Officer shall facilitate the admission of any family member of a Citizen mentioned in subregulation (1) hereof, if such family member is economically dependent upon the Citizen of the Union, or his spouse, or was sharing the same abode in the country of origin.

**10.** (1) The Principal Immigration Officer shall make a decision as to whether to grant or refuse a first residence permit, or whether to renew same, as soon as possible and in any event not later than six months from the date of application for the permit. The person concerned shall be allowed to remain in Malta temporarily pending a decision to grant or refuse such application.

Issue and renewal  
of permits and  
other documents.

(2) Where necessary, the Principal Immigration Officer may request from a Member State, be it the state of origin of the applicant or some other Member State, information concerning any previous criminal or conduct certificate of the applicant.

(3) Where the information mentioned in the preceding subregulation is requested of the Maltese competent authority by another Member State, the competent authority shall reply within two months of receiving the request.

(4) Where an application is refused, the person concerned shall, unless this is contrary to the interests of the security of Malta, be informed of the grounds of public policy, public security, or public health upon which the decision taken in his case is based.

(5) The person concerned shall be officially notified of any decision to refuse the issue or renewal of a residence permit or of a decision to remove him from Malta, in which case, the individual shall be asked to leave Malta.

(6) The period allowed for leaving Malta shall be stated in such notification but save in cases of urgency, this period shall be not less than fifteen days if the person concerned had not been granted a residence permit and not less than one month in any other case.

**PART III:  
Rights of Third Country Nationals**

Entry into and  
movement within  
Malta.

**11.** (1) Subject to the provisions of article 6 of the Act and the following provisions of this regulation, a Third Country National may be permitted to enter Malta for a visit the duration of which shall not exceed three months provided he:

- (a) holds a valid passport;
- (b) holds a valid visa, as required by the Common Consular Instructions;
- (c) submits, before entry into Malta, documents substantiating the purpose and the conditions of the planned visit, as applicable;
- (d) has, even if in possession of a valid visa, sufficient means of support, both for the period of the planned visit and to return to his country of origin or to travel in transit to a third state into which his admission is guaranteed, or is in a position to acquire such means legally;
- (e) has not been reported as a person to be refused entry;  
and
- (f) is not considered to be a threat to public policy or national security.

(2) If all the conditions listed in the previous subregulation are not fulfilled, a Third Country National shall be refused entry into Malta except where:

- (a) the Principal Immigration Officer considers that it is necessary to admit him on humanitarian grounds or in the national interest or in honour of the international obligations of the Government of Malta; or
- (b) he holds a uniform residence permit or a re-entry visa, or both as may be required, issued by a Member State, in

which case, he shall be permitted to enter Malta for the sole purpose of transit; or

(c) he holds a Schengen visa when entering Malta from a Schengen State, provided that if he is returning to a Schengen State the validity thereof covers the period to be spent in Malta and his return to the Schengen State from which he arrived, or where he is not returning to a Schengen State he has sufficient means and documents to cover his stay in Malta and his onward journey.

(3) Nothing in this Part shall prejudice the application of special provisions concerning the rights of persons governed by the Refugees Act.

Cap. 420.

(4) A Third Country National who is not required to hold a visa under the provisions of this Part shall be entitled to enter into and move freely within Malta for a period of three months, provided that the Principal Immigration Officer may extend beyond three months the visit in Malta of such a Third Country National.

(5) The provisions of these regulations are without prejudice to the rights of Third Country Nationals under Part II of these regulations.

(6) Nothing in these regulations shall be construed as conferring on any person, being a person to be refused entry, the right of entry.

**12.** (1) A Third Country National shall only be entitled to reside in Malta if a uniform residence permit for a specific purpose is issued in his regard.

Uniform residence permits to Third Country Nationals.

(2) The provisions of subregulation (1) hereof shall not apply to a Third Country National who has been given temporary permission to reside in Malta for the purpose of the processing of an application for asylum or an application for a uniform residence permit.

(3) Without prejudice to subregulation (3) of regulation 7, the provisions of regulations 5, 6, 8, 9 and 10 shall *mutatis mutandis* apply to this Part, so however that a Third Country National cannot apply for a licence or a uniform residence permit for the purpose of seeking or taking up employment; nor may he apply to change the nature of the uniform residence permit into one empowering him to seek or take up employment, while he is already

in Malta, save as the Minister may direct in exceptional circumstances.

**Part IV:  
Travel Documents, Visas and Border Checks**

Identification documents.

**13.** Identification at any border crossing point may, subject to the provisions of these regulations, be made by means of a passport, an official identity card, or other official document as may be agreed to among Member States:

Provided that in respect of Third Country Nationals, regulation 11 shall apply.

Emergency Travel Document.

**14.** An Emergency Travel Document issued by the Passport Officer shall entitle the holder to cross a border crossing point as indicated in such document.

Entering or leaving a border crossing point.

**15.** (1) In general there shall be no border checks on Maltese citizens and Citizens of the Union entering or leaving a border crossing point provided that this shall not affect the obligation of any person to hold and carry such permits and documents as are required to be held. The competent authorities may exercise police powers under Maltese law throughout Maltese territory as may be required.

(2) The Minister may by Order, in the interests of public policy or national security, provide that for a limited period border checks appropriate to the situation be carried out at the border crossing point, provided that the Minister shall, at the earliest opportunity, inform the other Member States.

(3) When border checks are carried out, every person shall be subject to at least one check carried out with a view to establishing his identity on the basis of such travel documents as may be required and in addition, the following principles shall apply:

(a) Citizens of the Union, including Maltese Nationals, their vehicles and objects shall only be subjected to random border checks and such checks shall include the verification of the travel documents and of the other conditions governing entry and residence including the documentation mentioned in these regulations and also checks to detect and prevent threats to the national security and public policy;

and

(b) regular border checks shall be carried out on Third Country Nationals, including in this case, a check to establish that the Third Country National is, where required, in possession of a valid visa.

**16.** (1) It shall be an offence for a person to cross or attempt to cross the border otherwise than in accordance with the provisions of these regulations and any person found guilty of such an offence shall, on conviction, be liable to the punishments contemplated in the Act. Border crossing points.

(2) A person who acquires a residence permit, a residence document or a uniform residence permit on the basis of false or wrong information or is privy to such act, or who, having acquired residence for a particular purpose, changes the scope of his residence without informing or obtaining the permission of the Principal Immigration Officer as the case may be, shall be guilty of an offence and shall, on conviction, be liable to the punishments contemplated in the Act.

(3) Without prejudice to subregulations (1) and (2) hereof, the Principal Immigration Officer may remove the person mentioned in those subregulations.

(4) The Principal Immigration Officer may provide for the proper implementation of these regulations including, without prejudice to the generality of this provision, the drawing up of a list of persons to be refused entry into Malta.

(5) Subject to the overriding provisions of law relating to data protection, the Principal Immigration Officer may require any carrier to provide him with the name and surname of passengers as may be entering or exiting a border crossing point.

**17.** (1) Without prejudice to the rights of entry and residence envisaged both by the Act and by these regulations and the powers of the Principal Immigration Officer to issue a visa at the border as the case may be, no person who, in terms of the Common Consular Instructions requires a visa to cross a border crossing point, may enter Malta without a visa. Visas.

(2) The mere possession of a visa does not entitle its holder to an automatic right of entry.

(3) The Minister may, by Order, make exemptions from the visa requirement with regards to:

(a) holders of diplomatic passports, official duty passports and other official passports;

(b) civilian air and sea crew;

(c) the flight crew and attendants on emergency or rescue flights and other helpers in the event of disaster or accident;

(d) the holders of “laissez-passer” issued by certain intergovernmental organisations to their officials;

(e) persons entering Malta to pursue a gainful activity during their stay;

(f) a school pupil having the nationality of a third country requiring a visa who resides in a Third Country exempted from a visa requirement and is travelling in the context of a school excursion as a member of a group of school pupils accompanied by a teacher from the school in question;

(g) a school pupil who is a Third Country National but who is legally resident in a Member State and who seeks to enter Malta either for a short stay or in transit.

(4) Stateless persons within the meaning of the New York Convention of 28 September 1954 and recognised refugees within the meaning of the Geneva Convention of 28 July 1951 shall be subject to the visa requirement or shall be exempted from it on the same terms as Nationals of Third Countries in which such stateless persons or recognised refugees reside and which had issued travel documents to such stateless persons or recognised refugees.

#### **Part V: Miscellaneous Provisions**

Identity cards.

**18.** (1) The provisions of the Identity Card Act shall apply to any person entitled to reside in Malta for a period in excess of six months under the provisions of these regulations.

(2) An Identity Card issued to a person who is not a Maltese National under the provisions of the preceding subregulation, is not to be considered as a valid travel document.

Appeals.

**19.** Any person aggrieved by any decision of the Principal Immigration Officer may appeal to the Board as provided for in sub-article (5) of article 25A of the Act.

**20.** (1) The Minister may, by Order, extend all or any of the rights pertaining to Citizens of the Union to nationals of such states as may be prescribed in the Order. Applicability.

(2) The Minister may, by Order, exempt any person:

(a) who is a member of the armed forces of a country other than Malta which are present in Malta under and within the scope of arrangements with the Government of Malta; or

(b) who is in Malta in an advisory or consultative capacity to the Government on invitation of the same,

from all or any of the provisions of these regulations.

**21.** By Order made under these regulations, the Minister may also stipulate the fees and charges as may be due. Fees due.

**22.** (1) Without prejudice to the generality of the other provisions of these regulations, the following provisions shall apply to persons lawfully resident in Malta as on the time of the coming into force of these regulations: Transitory provisions.

(a) any person in possession of a residence permit issued in terms of article 7 of the Act before the coming into force of these regulations may be asked by the Principal Immigration Officer to have his permit re-confirmed.

(b) if the person resides in Malta for the purpose of employment:

i) where such person is a Citizen of the Union he shall apply to the Principal Immigration Officer for a residence permit and he shall produce a licence as evidence of his employment in Malta;

ii) where such person is a Third Country National, he shall in like manner, apply for a uniform residence permit or residence document, as the case may be.

(c) the provisions of paragraphs (a) and (b) shall, *mutatis mutandis*, apply to dependants.

(2) Without prejudice to sub-regulation 1, a Third Country National who has been regularly resident in Malta for a continuous period of four years prior to 1 May 2004, excluding

periods abroad aggregating three months per annum or less, shall be required to apply for a uniform residence permit in virtue of these regulations, by not later than 31<sup>st</sup> October 2004.

(3) Regulations 8 and 12 shall apply to any student who is in Malta as on the date of the coming into force of these regulations, unless such a student is leaving Malta permanently by the 31<sup>st</sup> August 2004.