

UNIFORM RESIDENCE PERMITS FOR THIRD COUNTRY NATIONALS

The Department for Citizenship and Expatriate Affairs has been entrusted with the responsibility of issuing uniform residence permits to Third Country Nationals in terms of Article 4A of the Immigration Act (Cap 217).

Council Regulation (EC) No. 1030/2002 which came into force on 15 June 2002 stipulates that such permits should be in a specific format throughout all Member States of the European Union. Malta's permit is, for the time being, in the format of a sticker, affixed on the holder's passport. In accordance with the provisions of the said Council Regulation the text on the residence permit is in Maltese.

Residence permits are issued to Third Country Nationals who are staying legally in Malta and who have been authorized to reside here for a specific purpose. This purpose could be:

- Employment
- Self-employment
- Economic self-sufficiency
- Retirement
- Study*
- Long-term residence
- Other reasons

Such permits are granted in terms of the Immigration Regulations, 2004 and on the basis of national legislation or policy and, in certain cases, in accordance with the provisions of specific EU Directives.

Applications for residence permits have to be made on specific forms designed for such a purpose. Form CEA/20 entitled: Application for a Residence Permit for Non-EU/EEA Nationals, is the appropriate form that has to be completed by a Third Country National when applying for a residence permit or a long-term resident residence permit. Residence permits may be issued for the following purposes:

EMPLOYMENT / SELF-EMPLOYMENT / STUDY* / HEALTH REASONS

The applicant has to present the necessary documents in support of his/her claim - copy of a work permit for employment, copy of work permit/trading licence for self-employment, confirmation of enrolment in a higher education establishment for study* purposes and

* At this stage students should ask for clarifications from the Department.

hospital or medical certification in the case of health reasons, amongst other documents, especially those indicated in the application form itself.

ECONOMICALLY SELF-SUFFICIENT PERSONS / PENSIONERS / RETIRED PERSONS

In the case of such persons a residence permit would be granted if the person concerned has, at least, a minimum annual income of Lm6,000 (€13,976.24) in Malta. The amount would rise to Lm7,000 (€16,305.61) if applicant is married. Furthermore a sum of Lm1,000 (€2,329.37) is added in respect of every dependent child. (Thus a married person with two children - who should be **under** 18 years of age - should have an income of Lm9,000 [€20,964.36]).

It should be noted further that the amounts indicated above are **exclusive** of the accommodation (which should be of an adequate standard) expenses.

Furthermore, persons falling under these categories have to produce also evidence of sickness insurance for themselves and members of their families, if applicable. This requirement has to be complied with also by persons holding a residence permit issued by the Commissioner of Inland Revenue (CIR). The latter persons, however, need not submit documentary evidence about income and accommodation.

PARTNERS

Consideration is given to applications in respect of non-Maltese partners of Maltese citizens or of Third Country Nationals as long as:

- the Maltese citizen or Third Country National concerned can provide documentary evidence attesting to a regular and stable income of at least Lm3,720 (€8665.27) [the minimum wage which currently is approximately Lm3,100 (€7221.06) + an additional amount of 20% (Lm620/€1,444.21)].
- documentary proof is provided that the partnership has been subsisting for **at least** two (2) years.
- documentary evidence is provided regarding sickness insurance in respect of all risks normally covered for Maltese nationals.

HUMANITARIAN / OTHER CASES

If sufficient proof is produced to substantiate applicant's claim that his/her request should be considered from a humanitarian aspect or on other grounds, the Department will give due consideration to such a request. In the case of a favourable consideration, a residence permit will be issued to applicant.

FAMILY MEMBERS

Applications for the issue of residence permits in respect of family members would have to be made by a person to whom a residence permit has already been issued and would be considered on their own merits. Persons considered as family members are the spouse and the children under 18 years of age.

Applications for family members should be made on application form (CEA/23) entitled: Application for a Residence Permit for Non-EU/EEA Nationals (in respect of family members).

VALIDITY PERIOD OF RESIDENCE PERMITS

Residence permits are issued for a validity period of one year. The duration may be less if the purpose for which a permit has been requested has a specific time-limit (such as a work permit required for a period of 10 months).

LONG-TERM RESIDENT STATUS (LTRs)

In terms of Legal Notice No. 278 of 2006 entitled: the Status of Long-Term Residents (Third Country Nationals) Regulations 2006, a residence permit may be issued to persons who are legally residing in Malta and who qualify for such status, valid for a period of five (5) years.

The said regulations implement the provisions of Council Directive 2003/109/EC of the European Union which concerns the status of Third Country Nationals who are long-term residents.

CONDITIONS THAT HAVE TO BE FULFILLED BY APPLICANTS FOR LONG-TERM RESIDENT STATUS

An applicant for long-term resident status **must** provide documentary evidence:

- attesting that s/he has resided legally and continuously in Malta for five (5) years immediately prior to the submission of the relative application (an allowance is made for absence of a period shorter than 6 consecutive months or of a total of 10 months within the five year period).

NB A person shall not qualify for such status if his/her period of residence or part thereof, within the said 5 year period, was due solely to temporary grounds;

- attesting that s/he has stable and regular resources which are sufficient to maintain himself/herself and the members of his/her family. [This should be equivalent to the national minimum wage (currently Lm3,100/€7,221.06) with an addition of another 20% (Lm620/€1,444.21) income or resources for each member of the family];

- to show that s/he has accommodation regarded as normal for a comparable family in Malta and which meets the general health and safety standards in force in Malta.
- regarding sickness insurance in respect of all risks normally covered for Maltese nationals for himself/herself and the members of his/her family.

Furthermore, they are required to submit a letter giving their history since they first arrived in Malta. This letter should include information on the grounds on which they came to and remained in Malta, their employment history since then, the current and previous premises occupied by them, family members, if they are living with them in Malta, and any other information which could be useful in the consideration of their request for long-term resident status.

RESIDENCE IN MALTA OF THIRD COUNTRY NATIONALS GRANTED LONG-TERM RESIDENT STATUS IN ANOTHER MEMBER STATE

A Third Country National who has been granted long-term resident status by another Member State may reside in Malta for a period exceeding 3 months as long as:

- s/he would be exercising an economic activity in an employed or self-employed capacity; or
- s/he would be pursuing studies or vocational training; or
- s/he would be in Malta for some other purpose.

The Third Country National concerned has to submit the same application indicated above for non-EU/EEA citizens (CEA/20) when applying for a residence permit. This application should be made not later than 3 months after entering Malta.

Moreover, the conditions mentioned above as regards accommodation and sickness insurance shall also apply in this case.

Furthermore, the said applicant:

- has to produce evidence that s/he has stable and regular resources for himself/herself and his/her family which would be equivalent to the average gross wage (currently approximately Lm5,200 [€12,112.74]);
- may be required to attend and successfully complete a Maltese language course;
- has to produce his/her long-term resident residence permit issued to him/her in the other Member State; and
- has to produce documentary evidence as necessary as regards employment, study, vocational training or the purpose of his/her residence.

FAMILY MEMBERS

Only the family members identified in the Long-Term Residents Regulations (see Regulation 2) and who resided with applicant in the first Member State may accompany or join him/her in Malta.

Applications for family members should be made on application form (CEA/23) already mentioned above. The said application, apart from the documents indicated therein, should be accompanied also by:

- the long-term resident EC residence permit or residence permit, as the case may be;
- evidence of residence as a member of the family of the long-term resident in the first Member State; and
- sickness insurance in respect of all risks normally covered for Maltese nationals.

The validity period of a residence permit issued in such a case shall be for a period of one year. The residence permit issued to members of the family shall have the same duration as that of the residence permit holder.

PASSPORTS

The passport of a Third Country National shall have a validity period at least equivalent to or longer than the validity period of the residence permit.

Children should have a passport of their own in order that the residence permit (sticker) may be affixed on their passport. Unless this is the case, a page/pages from their parent's passport, on which they appear, would have to be used for affixing the residence permit/s.

In the case of long-term resident status a residence permit may be issued for a period of less than 5 years if the validity period of the passport of the Third Country National concerned is of a shorter duration.

FEES

Legal Notice No. 267 of 2006 has established that the fee for the issue of a uniform residence permit shall be Lm10 (€23.29) valid for a period of one year (or for a shorter duration). This means that the fee for a permit for long-term resident status shall be Lm50 (€116.47).

N.B. Cheques should be made payable to: Director, Citizenship & Expatriate Affairs.

POINTS TO NOTE

- Applications may be submitted by post as long as they are correctly and completely filled in and all necessary documents and appropriate fees are submitted.
- In certain cases additional documents to the ones indicated may have to be presented.
- Applicants for long-term resident status are advised to consult the Status of Long-Term Residents (Third Country Nationals) Regulations, 2006 (Legal Notice No. 278 of 2006) which contains much more information than that featured in this leaflet. This can be accessed on: <http://www.doi.gov.mt/EN/legalnotices/2006/default2.asp>
- As regards documentary evidence for sickness insurance, those persons who are residing in Malta on the strength of a work permit and pay social security contributions in Malta need not comply with this requirement.

Those workers, however, who are exempted from the payment of social security contributions in Malta **have to comply with this requirement.**

- Residence permits will be issued only when the person concerned is actually residing in Malta and calls personally to collect the permit.

NB In the case of persons who are permanently housebound and who present a medical certificate in confirmation of such infirmity, the residence permit may be collected by a person who has a specific power of attorney for such purposes, from the Third Country National concerned.

- Should you have further enquiries on uniform residence permits please address them to:

The Director
Department for Citizenship and Expatriate Affairs
3, Castille Place
Valletta CMR 02

- You may also contact the Department on:

Telephone No.: 2200 1800
Telefax No.: 2200 1830
E-mail address: citizenship@gov.mt

PLEASE NOTE THAT THE DEPARTMENT IS OPEN TO THE PUBLIC:

**MONDAY TO FRIDAY
FROM 08.30 TO 12.30**