

L.N. 122 of 2021

**IMMIGRATION ACT
(CAP. 217)**

**Malta Residence and Visa Programme (Amendment) Regulations,
2021**

IN EXERCISE of the powers conferred by articles 7, 7A, 8 and 36 of the Immigration Act, the Minister responsible for immigration has made the following regulations:-

1. The title of these regulations is the Malta Residence and Visa Programme (Amendment) Regulations, 2021 and these regulations shall be read and construed as one with the Malta Residence and Visa Programme Regulations, hereinafter referred to as "the principal regulations".

Citation.

S.L. 217. 18.

2. Regulation 2 of the principal regulations shall be amended as follows:

Amends regulation 2 of the principal regulations.

(a) the definition "approved agent and, or accredited person" shall be substituted by the following new definition:

" "approved agent and, or accredited person" means
S.L. 188. 05. an agent duly licensed under the Agents (Licences) Regulations and whose name is indicated in the register
L.N. 121 of 2021. established by regulation 6 of the Malta Permanent Residence Programme Regulations, 2021;"

(b) immediately after the definition "dependant" there shall be added the following new definition:

" "donation" means a financial contribution of two thousand euro (€2,000) that shall be paid to a local registered philanthropic, cultural, sport, scientific, animal welfare or artistic non-governmental organisation or society registered with the Commissioner for Voluntary Organisations, or as otherwise approved by the Malta Residence and Visa Agency, before issuance of a certificate under these regulations;"

(c) the first definition "qualifying owned property" means an immovable property purchased at a consideration of not less than:"; shall be deleted.

Amends
regulation 4 of
the principal
regulations.

3. Paragraph (a) of regulation 4 of the principal regulations shall be substituted by the following new paragraph:

"(a) the Malta Residence and Visa Agency shall monitor the adherence by the beneficiary and his registered dependants of all the obligations and conditions set out in these regulations annually for the first five years from its issue, and thereafter whenever it is deemed opportune by the Malta Residence and Visa Agency in its sole discretion, and the certificate shall be considered to have been *ipso iure* withdrawn as soon as the beneficiary of such a certificate and, or his registered dependants infringe any obligations and conditions set out in these regulations; and".

Amends
regulation 5 of
the principal
regulations.

4. Regulation 5 of the principal regulations shall be amended as follows:

(a) the proviso to sub-regulation (3) thereof shall be substituted by the following new proviso:

"Provided that where a certificate has not yet been issued in terms of these regulations, *in lieu* of providing the certificate to a qualifying investment and of maintaining the said qualifying investment as required by paragraph (d) of sub-regulation (1) of regulation 8, the main applicant may:

(a) make an additional contribution to the Malta Residence and Visa Agency in the following sums:

(i) sixty-eight thousand euro (€68,000) where the necessary title to a qualifying property is a qualifying rented property;

(ii) thirty-eight thousand euro (€38,000) where the necessary title to a qualifying property is a qualifying owned property, in which case the main applicant shall, for the purposes of paragraph (c) of sub-regulation (1) of regulation 8, continue to hold a qualifying owned property for a period of five (5) years from the date of issuing of the certificate; and

(b) make a donation within such time as the Malta Residence and Visa Agency may impose and provide evidence thereof to the Agency.";

(b) immediately after sub-regulation (3) thereof there

shall be added the following new sub-regulations:

"(3A) Where an applicant does not elicit to make an additional contribution *in lieu* of providing the certificate to a qualifying investment as stated in the proviso to sub-regulation (3), the applicant shall conclude the application for a certificate by the end of the year 2021:

Provided that should the application for a certificate not be concluded by the end of the year 2021 as aforesaid, the applicant shall be allowed until the 31st March 2022 to conclude his application for a certificate upon payment of the additional contribution referred to in the proviso to sub-regulation (3) *in lieu* of providing the certificate to a qualifying investment and subject to the making of a donation within such time as the Malta Residence and Visa Agency may impose.

(3B) Where an applicant elicits to make an additional contribution *in lieu* of providing the certificate to a qualifying investment as stated in the proviso to sub-regulation (3), the applicant shall conclude the application for a certificate by the end of the year 2021:

Provided that in those cases where a Letter of Approval In Principle has not yet been issued on the date of entry into force of this sub-regulation, the applicant shall conclude the application within nine (9) months from the date of issue of the Letter of Approval In Principle.

(3C) The Malta Residence and Visa Agency shall pay additional contributions received in terms of sub-regulations (3), (3A) and (3B) to the National Development and Social Fund.

(3D) No certificate shall be issued to the main applicant or any of his dependants even in the case that Malta Residence and Visa Agency has issued its approval in principle in terms of these regulations, unless the conditions above referred to are satisfied to the full satisfaction of Malta Residence and Visa Agency.";

(c) sub-regulation (4) thereof shall be substituted by the following new sub-regulation:

"(4) Following the death of a beneficiary, in exceptional circumstances, the Malta Residence and Visa Agency shall be empowered to determine that the certificate issued to the said beneficiary shall instead be issued to an approved dependant of that deceased

beneficiary in such form and subject to such conditions as the Malta Residence and Visa Agency may impose in its discretion at the relevant time. Such certificate shall be issued once the said dependant provides evidence to the satisfaction of the Malta Residence and Visa Agency that the conditions imposed by the Malta Residence and Visa Agency and all the requirements of these regulations are satisfied in such manner as the Malta Residence and Visa Agency may determine. Where a certificate is issued to a dependant of a deceased beneficiary as aforesaid, it shall not be possible to request the inclusion of any other person on the certificate.";

(d) in sub-regulation (8) thereof, immediately after the words "as defined in" there shall be added the words "paragraph (f) of"; and

(e) immediately after sub-regulation (8) thereof there shall be added the following new sub-regulations:

"(9) The beneficiary under these regulations, as duly represented by a registered approved agent and, or registered accredited person may apply to Malta Residence and Visa Agency to include on the Main Beneficiary certificate issued under these regulations, and against a non-refundable supplementary administration fee of five thousand euro (€5,000), his spouse as a dependant in the residence certificate, subject to a successful due diligence check.

(10) The beneficiary under these regulations, as duly represented by a registered approved agent and, or registered accredited person may apply to Malta Residence and Visa Agency to include on the main beneficiary certificate issued under these regulations, his or his spouse's child, including an adopted child who, at the time of this application, is less than eighteen (18) years of age, as a dependant in the residence certificate, subject to a successful due diligence check.

(11) The beneficiary under these regulations, as duly represented by a registered approved agent and, or registered accredited person may apply to Malta Residence and Visa Agency to include on the main beneficiary certificate issued under these regulations, and against a non-refundable supplementary administration fee of five thousand euro (€5,000), his or his spouse's child, including an adopted child, who at the time of the application is over eighteen (18) years of age, not married, and who proves, to the satisfaction of the Minister that, at the time of application, the said child is not economically active and is principally dependant on the main applicant as a dependant in the residence certificate, subject to a successful due diligence check.

(12) The beneficiary under these regulations, as duly represented by a registered approved agent and, or registered accredited person may apply to Malta Residence and Visa Agency to include on the main beneficiary certificate issued under these regulations, and against a non-refundable supplementary administration fee of five thousand euro (€5,000), his or his spouse's parent or grandparent, who proves to the satisfaction of the Minister that, at the time of this application, the said parent or grandparent is not economically active and is principally dependant on the main applicant as a dependant in the residence certificate, subject to a successful due diligence check.

(13) The beneficiary under these regulations, as duly represented by a registered approved agent and, or registered accredited person may apply to Malta Residence and Visa Agency to include on the main beneficiary certificate issued under these regulations, as a dependant in the residence certificate, his or his spouse's adult child who has been certified by a recognised medical professional/Authority as having a disability in terms of the Equal Opportunities (Persons with Disability) Act, subject to a successful due diligence check."

Cap. 413.

5. Sub-regulation (1) of regulation 8 of the principal regulations shall be amended as follows:

Amends regulation 8 of the principal regulations.

(a) paragraph (g) thereof shall be substituted by the following new paragraph:

"(g) he is in possession of sickness insurance in respect of all risks normally covered for Maltese nationals for himself and his dependants, as the Malta Residence and Visa Agency considers appropriate from time to time;" and

(h) paragraph (h) thereof shall be substituted by the following new paragraph:

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

Amends
regulation 12 of
the principal
regulations.

6. In sub-regulation (1) of regulation 12 of the principal regulations, immediately after the words "or registered accredited person." there shall be added the words "The Malta Residence and Visa Agency may, in its discretion, where it considers appropriate, communicate directly with the main applicant.".
