

SUBSIDIARY LEGISLATION 497.26

**MALTA RESIDENCY VISA AGENCY
(ESTABLISHMENT) ORDER**

29th March, 2018

LEGAL NOTICE 97 of 2018.

1. The title of this order is the Malta Residency Visa Agency (Establishment) Order. Title.
2. In this order, unless the context otherwise requires: Definitions.
"the Act" means the Public Administration Act; Cap. 497.
"Agency" means the Malta Residency Visa Agency established by this order;
"Minister" means the Minister responsible for identity management.
3. There shall be established an Agency, to be known as the Malta Residency Visa Agency which shall carry out functions and duties of public administration in the following matters: Establishment of Agency.
 - (a) issuing of residence certificates by investment and other administrative matters related to persons wishing to stay or settle indefinitely in Malta or Gozo;
 - (b) to work and collaborate with the Identity Malta Agency with regards to the issuance of residency documents;
 - (c) to establish Agency accredited agents;
 - (d) to perform due diligence checks on all applications;
 - (e) to implement and maintain internal standard operating procedures;
 - (f) to implement an innovative Corporate Branding strategy;
 - (g) to issue the indefinite certificate of residence and residence document timely;
 - (h) to conduct interviews with applicants for the Agency as necessary;
 - (i) to remain abreast of other international residence schemes by investment whilst ensuring that the Agency remains

competitive;

(j) to meet, monitor and manage the selected Agency Concessionaires and provide them with the required support and guidance whilst ensuring compliance to the conditions of the agreements in force;

(k) to issue, manage, oversee and monitor Request for Proposal processes in relation to the growth and dissemination of the Agency internationally; and

(l) such other matters which are ancillary, incidental or consequential to the matters stipulated in this article, as the Minister may from time to time determine:

Provided that when such matters as are referred to in this regulation consist of or include the administration or investment of funds, the Minister shall act with the concurrence of the Minister responsible for finance in making a determination in respect thereof.

Minister
responsible for the
Agency.

4. The Minister responsible for identity management shall be the Minister responsible for the Agency.

The Agency to be
subject to the Act.

5. The Agency shall be subject to the provisions of the Act and shall be regulated accordingly.

Special
Arrangement
Board of Directors.

6. (1) As a special arrangement in terms of article 36(2)(d), read in conjunction with article 39 of the Act, the Agency shall be directed by a Board of Directors appointed by the Minister, which Board, some of its members are also involved in the direction of the Identity Malta Agency, an agency established under the Act, and this saving the powers granted to Minister, the Principal Permanent Secretary and the Permanent Secretary by articles 38 and 39 of the Act.

(2) The Board shall be composed of five (5) Directors appointed by the Minister. One (1) of the Directors shall be appointed by the Minister as the Chairperson of the Board.

(3) The members of the Board shall hold office for a period not exceeding three (3) years. Any member may, before the expiration of his term of office, resign by letter addressed to the Minister:

Provided that the members of the Board may be removed from office by the Minister prior to the expiry of their term of office where, in the opinion of the Minister, they have been found guilty of misconduct or where they are, in the opinion of the Minister, unable to perform the duties of their office.

(4) The Minister shall appoint a person to act as a Secretary

of the Board.

(5) The remuneration paid to members of the Board shall be in accordance with the Act and established guidelines.

7. (1) The Agency shall have a Chief Executive Officer who shall be responsible for the performance, functions and duties of the Agency in accordance with the Act and shall be responsible for the daily management of the Agency, and to give his recommendations on applications presented before the Approvals Board after all due diligence checks are performed.

Chief Executive
Officer.

(2) The Chief Executive Officer shall be appointed by the Minister.

(3) The Chief Executive Officer shall be answerable to the Board and this save the powers granted to the Minister, the Principal Permanent Secretary and the Permanent Secretary, by articles 38 and 39 of the Act.

(4) The legal and judicial representation of the Agency shall vest in the Chief Executive Officer or in any officer of the Agency nominated by the Minister, for the purpose from time to time.

8. (1) As a special arrangement in terms of article 36(2)(d), read in conjunction with article 39 of the Act, the Agency shall have a separate Board for the recommendation of approvals or rejection of residence certificates presented to it by the Chief Executive Officer. The Chief Executive Officer is duty bound to present all applications before the Approvals Board.

Special
arrangements.
Approvals Board.

(2) The Board shall be composed of four (4) Directors appointed by the Minister. One (1) of the said Directors shall be appointed by the Minister as Chairperson of the Board.

(3) The members of the Board shall hold office for a period not exceeding three (3) years. Any member may, before expiration of his term of office, resign by letter addressed to the Minister:

Provided that the members of the Board may be removed from office by the Minister prior to the expiry of their term of office where, in the opinion of the Minister, they have been found guilty of misconduct or where they are, in the opinion of the Minister, unable to perform the duties of their office.

(4) The Chief Executive Officer of the Agency and the members of the Board, appointed in terms of article 6, are not eligible to be members of the Approvals Board.

(5) The remuneration paid to members of the Approvals Board shall be in accordance with the Act and established guidelines.

Repeal.
S.L. 497. 21.

9. The Malta Residency Visa Agency (Establishment) Order
is hereby repealed.
