

L.N. 384 of 2021

**IMMIGRATION ACT
(CAP. 217)**

**Malta Residence and Visa Programme (Amendment No. 2)
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:-

Citation.

S.L. 217. 18.

Amends
regulation 2 of
the principal
regulations.

1. The title of these regulations is the Malta Residence and Visa Programme (Amendment No. 2) 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".

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

(a) the definition "Identity Malta" shall be deleted;

(b) in the definition "qualifying investment", the words "Identity Malta" shall be substituted by the words "the Malta Residence and Visa Agency";

(c) the second proviso to the definition "qualifying owned property" shall be substituted by the following new proviso:

"Provided further that, when so required by the Malta Residence and Visa Agency, an officer of the agency and, or any architect or surveyor so appointed by the agency, shall be given full and free access to the qualifying owned property in order to determine the value of the said property."; and

(d) the definition "registered approved agent and, or registered accredited person" shall be deleted.

Amends
regulation 12 of
the principal
regulations.

3. Regulation 12 of the principal regulations shall be amended as follows:

(a) in sub-regulation (2) thereof, the words "Identity Malta" shall be substituted by the words "the Malta Residence and Visa Agency";

(b) sub-regulations (3) to (9) thereof shall be deleted; and

(c) immediately after sub-regulation (2) thereof there shall be added the following new sub-regulations:

"(3) A main applicant shall not authorise more than one approved agent and, or accredited person at any one time in relation to his application, but he may change his approved agent and, or accredited person at any time.

(4) The Malta Residence and Visa Agency shall be notified without delay of any change of an approved agent and, or accredited person in respect of any application, which notification shall be made by the main applicant through the new approved agent and, or accredited person who shall deliver to the Agency the notification in such form as the Agency may require. On receipt of such notification by the Agency, the previous approved agent and, or accredited person of the main applicant shall be deemed not to be authorised to represent the applicant in any further communication with the Agency.

(5) The Malta Residence and Visa Agency may, in its discretion, inform the previous approved agent and, or accredited person about the appointment of a new approved agent and, or accredited person by the applicant.

S.L. 188. 05. (6) Any approved agent and, or accredited person who is no longer licensed in accordance with the Agents (Licences) Regulations or is otherwise unable to continue to perform his functions as an approved agent and, or accredited person under these regulations shall, without delay, inform applicants that in order that their application may continue to be processed by the Agency, it is mandatory for them to engage a new approved agent and, or accredited person.

(7) The Malta Residence and Visa Agency may, by notice issued from time to time, prescribe that a portion of the contribution paid by an applicant in terms of these regulations be paid to the approved agent and, or accredited person appointed by the applicant. The portion of the contribution to be paid to an approved agent and, or accredited person may vary depending on whether the applicant has elicited to make an additional contribution in lieu of providing a certificate to a qualifying investment in terms of the proviso to sub-regulation (3) of regulation 5."
