



# RESIDENCY MALTA

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## Frequently Asked Questions about the Malta Residence and Visa Programme (MRVP)

These Frequently Asked Questions are meant as general guidelines to particular situations which have been referred to the Agency. In case of conflicting views between these Frequently Asked Questions and the legislation, it is the pertinent legislation that prevails.

### 1. ELIGIBILITY AND FEES

#### Q1: Who is eligible to apply?

The MRVP closed on Friday 26<sup>th</sup> March, and no new applications for the MRVP are being accepted. However, all active applications submitted before the 28<sup>th</sup> March 2021 will be processed normally.

#### Q2: What is the validity period of the residency certificate and the residency card?

The residency certificate does not expire provided all the programme obligations are adhered to. The residency card is valid for 5 years or until cut-off dates, at ages 14 and 18.

#### Q3: Is it possible to add a dependant at a later stage?

Yes, this is possible, however they are to be added to the application after the residency certificate is issued. An application pack must be submitted containing the following documents:

- MRVP7, signed in the presence and by the Commissioner for Oaths;
- MRVP2,3,4, 4a,6, 10;
- Evidence of KYC;
- Birth certificate;
- Change of Name (if applicable);
- ID Card or equivalent;
- Marriage/Divorce Certificates;
- Military Records (If Applicable);
- Certified true copy of the full International Passport; and
- Police Certificate (if applicable).



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Application must be accompanied by the non-refundable administrative fee, where applicable. Each application will then go through the due diligence process before being approved or otherwise

### **Q4: Can parents or grandparents of the main applicant apply as added dependants?**

Yes. A parent or grandparent of the main applicant or of his/her spouse who proves to the satisfaction of the Minister that at the time of application he/she is principally dependant on the main applicant, is eligible as a dependant. If a grandparent is applying as a dependant, proof that shows the link between the grandparent and the main applicant/spouse has to be provided (such as a family tree through birth certificates of the applicant/spouse, the birth certificate of the respective parent, and grandparent). A non-refundable fee of €5,000 per parent and grandparent applies.

### **Q5: What are the applicable fees when applying to add dependants after the residency certificate is issued?**

The applicable non-refundable administration fees when applying to add a dependant after the Residency certificate has been issued are as follows:

Parent or grandparent of the Main Applicant or spouse who is principally dependant on the Main Applicant	€5,000
Spouse of an already approved Main Applicant	€5,000
Minor child of the Main Applicant or their approved spouse	Free
Minor child of the Main Applicant and/or his spouse, born or adopted after the certificate is issued	Free
Adult Child of the Main Applicant or his approved Spouse, who is over 18 years of age, not married and principally dependant on the Main Applicant	€5,000
Adult Child of the Main Applicant or his approved Spouse, who is over 18 years of age and who has been certified by a recognised medical professional or authority as having a disability in terms of the Equal Opportunities (Persons with Disability) Act	Free
Spouse of an already approved dependent child	€5,000
Minor child, of an already approved dependent child and/or their already approved spouse.	€5,000



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**Q6: Are there any guidelines on the fees which Licensed Agents should be charging in connection with their services for the purposes of the Malta Residence and Visa Programme?**

It is at the discretion of the respective agents to decide which fees to charge their clients.

**2. LETTER OF APPROVAL IN PRINCIPLE**

**Q7: When is the Letter of Approval in Principle issued?**

A Letter of Approval in Principle is issued once the due diligence checks on main applicant and dependants are conducted successfully.

**Q8: How should the applicant proceed once the Letter of Approval in Principle is issued?**

The main applicant should provide the following final proofs together with the documentary evidence within the allowed timeframe:

- (1) evidence of holding a Qualifying Property;
- (2) evidence of holding a Qualifying Investment OR of having effected the "Additional Contribution"; and
- (3) evidence that he is in possession of sickness insurance in respect of all risks normally covered for Maltese nationals for himself and his dependants.

**Q9: Are there any timeframes for the application to be concluded once the Letter of Approval in Principle is issued?**

For applications with a pending Letter of Approval in Principle issued before the 28th March 2021:

If the applicant chooses the option of providing the certificate to a qualifying investment, the applicant shall conclude the application for a certificate by 31<sup>st</sup> December 2021. Should the application for a certificate not be concluded by this date, the applicant shall be allowed until 31<sup>st</sup> March 2022 to conclude his application upon payment of the additional contribution.

If the applicant chooses the option to make an additional contribution in lieu of providing the certificate to a qualifying investment, the applicant shall conclude the application for a certificate by 31<sup>st</sup> December 2021.



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For applications with a Letter of Approval in Principle issued after the 28<sup>th</sup> March 2021:

The applicant shall conclude the application within nine (9) months from the date of issue of the Letter of Approval in Principle.

### **Q10: What is the “Additional Contribution” option?**

Where a certificate has not yet been issued in terms of the Regulations, in lieu of providing the certificate to a qualifying investment and of maintaining the said qualifying investment for 5 years, the main applicant may choose to:

- (a) make an additional contribution to the Agency in the following sums:
  - (i) €68,000 where the necessary title to a qualifying property is a qualifying rented property;
  - (ii) €38,000 where the necessary title to a qualifying property is a qualifying owned property, in which case the main applicant shall, continue to hold a qualifying owned property for a period of 5 years from the date of issuance; and
- (b) make a donation of €2,000 to registered approved NGO and provide evidence thereof to the Agency.

### **Q11: What should the Health Insurance cover?**

The health insurance should cover all beneficiaries for a minimum of €100,000 per annum and covering full expenses for Malta and the Schengen Area.

### **Q12: Will the commencement of lease of property need to be as close to the appointment of submission of final documents as possible?**

Ideally the lease agreement should commence closest to the submission of the final proofs. The same applies to the health policy. The Agency applies a tolerance period of a maximum of 3 months.

### **Q13: Is it possible for the main applicant to first rent and then buy a property?**

Yes, it is possible, as long as the qualifying criteria are satisfied in both cases. Note however that if the applicant chooses the “Additional Contribution” option, he cannot switch from owned property to rented property during the 5-year period.

## **3. QUALIFYING INVESTMENT**

### **Q14: What form of investment is acceptable?**



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The investment referred to in the Regulations can be made in debt or equity securities listed on the Official List of the Malta Stock Exchange. Investment in these securities may also be achieved through an investment in collective investment schemes that are licenced and are on the Official List of the Malta Stock Exchange Alternatively, an investment can also be made in Government Stocks or Bonds that can be purchased from a suitable stockbroker. The Agency will need a receipt or a certified true copy of the purchase agreement.

**Q15: Can an applicant open a bank account in Malta?**

Yes, an Applicant may open a bank account in Malta at his/her discretion.

**Q16: What return does the beneficiary get on the qualifying investment? At what interval is interest paid?**

This does not fall within the remit of the Agency. The matter should be discussed with a qualified stockbroker and/or banking institution.

**Q17: What is the procedure for buying the qualifying investment?**

This matter should be discussed with a qualified stockbroker and/or banking institution. The Agency would need a certificate confirming this investment.

**Q18: Can the beneficiary sell his/her investment portfolio after five years and hold a Maltese residency?**

Yes, the beneficiary may sell the qualifying investment after 5 years and still retain Maltese residency, on condition that other obligations stipulated in the Regulations are still met.

#### 4. QUALIFYING PROPERTY

**Q19: Does applicant need to own/lease property at application stage?**

No. Applicant has to own/lease property and submit the relevant documentation after receiving the Letter of Approval in Principle. However, a property that would have been leased/purchased before the application submission and which satisfies the rules found in the Regulations regarding the qualifying property, is still acceptable.



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**Q20: Would purchasing a number of rooms in a hotel and owning these for a period of 5 years, naturally without anyone else having access to the rooms in the meantime, qualify?**

No, these are not accepted as a qualifying property. The main applicant must lease or purchase a residential property.

**Q21: A client explained that he has just bought a property in the South of Malta for circa €190,000 and will be spending a minimum of €100,000 (arising outside Malta) on it - therefore the total cost to him will be in excess of the €270,000 required for a property in the South. Will this be considered as satisfactory property investment?**

If the purchase of the property happened after L.N.217.18 came into force, the determining factor is the value of the property as declared on the contract of sale. Therefore, the said scenario does not satisfy the qualifying investment criteria.

If, on the other hand, the property had been bought prior to the date of coming into force of L.N.217.18, the following prevails:

*"Provided that an immovable property purchased before the date of coming into force of these regulations for a consideration which is less than the amounts indicated in paragraphs (a) or (b) above shall be considered to be "qualifying owned property" insofar as the value of such immovable property, as declared on the date of application by the Applicant, is not less than the amounts indicated in paragraphs (a) or (b) above as supported by a separate and independent architect valuation including architect's plan which are delivered to Identity Malta Agency upon application: Provided further that Identity Malta Agency, or any officer authorised by it in writing, architect or surveyor shall have full and free access to the qualifying owned property to the extent that such access is likely to assist him in determining the value of the said property;"*

Therefore, the value must be met at the date when the application is submitted and not after the Letter of Approval in Principle is issued.

**Q22: Would an Acquisition of Immovable Property (AIP) permit be required if the qualifying property is not in a 'Special Designated Area' (SDA)?**

Yes, the acquisition of immovable property permit is still required.

**Q23: Would the minimum property requirements no longer apply, after a qualifying property has been held for the first 5 years?**



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The Beneficiary is not obliged to retain possession of the qualifying property stipulated in the respective legal notice. However, to retain the residency permit he/she must provide a suitable residential address.

### 5. PROOF OF ASSETS

**Q24:** With respect to monitoring requirements, if the certificate is provided on the basis that s/he has in his/her possession assets amounting to €500,000, or if applicant is in possession of an annual income of €100,000 (arising outside of Malta), does this monitoring requirement also apply for dependants listed on the certificate? And in what Form should these declarations be presented to the Agency?

The declarations will be made through the submission of Form MRVP5 Official Compliance Form, which is to be signed by the beneficiary and Licensed Agent and submitted to the Agency. Beneficiary will have to fill the MPRP5 once a year for the first 5 years, and thereafter at the discretion of the Agency, with the Agent being responsible for the submission of such form along with the respective required documents.

**Q25:** Is the €500,000 capital requirement distinctive from the value of property acquired in Malta together with the €250,000 invested in government stocks or equities?

Yes, they are different, distinctive requirements. Clients should provide:

1. €250,000 in qualifying investment;
2. Property valued at €270,000/€320,000 or rent of €10,000/€12,000 per annum;
3. capital of €500,000 or €100,000 income per annum (arising outside Malta); and
4. health insurance for himself and each dependant.

**Q26:** What proof would be considered as satisfactory in proving that an adult dependant (child, parent, grandparent) either of main applicant or his/her spouse, principally dependent on main applicant?

Main applicant must declare this in an affidavit. It is recommended that any documentary evidence that corroborates this declaration is submitted with the application pack, together with the affidavit.





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**Q27: In the event that the parent or grandparent, either of main applicant or the spouse, receives some form of retirement income, will he/she still remain eligible to be included as a dependant?**

If this retirement income is such that the parent or grandparent would still be able to prove to the satisfaction of the Minister that at the time of application, he/she is principally dependent on the main applicant, he/she would still be eligible to apply. The main applicant must still provide an affidavit confirming that the aforementioned parents or grandparents are still principally dependant on him/her.

### **6. DUE DILIGENCE**

**Q28: With respect to KYC evidence and due diligence processes, in which format is such evidence to be presented to the Agency by the Licensed Agent?**

The Agent is responsible for introducing reputable applicants, hence the need to ensure that the Agent supports the Agency by forwarding printed reports with regard to enquiries conducted from reliable sources on the potential beneficiary and all dependants over the age of 14. Other information that could be provided by the Agent will facilitate the Agency's work in conducting a proper due diligence assessment. Agents must remember that they should keep evidence of their investigations, for which they are solely responsible.





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**Q29: At which stage do Licensed Agents need to submit evidence of KYC and other due diligence processes?**

These have to be submitted upon application stage.

**7. DOCUMENTS FOR SUBMISSION (ADDITIONAL DEPENDANTS)**

**Q30: Would the Agency require original certificates such as birth and marriage etc., at a later stage rather than at the initial stages of the application?**

No. Such certificates are required at initial application stage and they may be submitted either as originals or as certified true copies of originals, apostilled or legalised, as the case may be. If such documents are in a language other than English these should be translated to English. Translations done abroad should be apostilled or legalised. Translations done in Malta should be carried out by a registered translator.

**Q31: Would main applicant need to submit a copy of divorce certificates, signature and copy of passport of the divorced partner(s) in case of dependent children?**

In case of a divorced individual – whether a main applicant or a qualifying dependant - a divorce certificate must invariably be submitted, even if the said individual has since re-married.

**Q32: Which documentation is required to prove custody of minors?**

- a) In the case where main applicant has sole legal custody, a court ruling is required.
- b) In the case where main applicant and spouse share the custody and the spouse is part of the application, they both need to sign Form MRVP 4a related to the minor.
- c) In the case where main applicant and spouse share the custody but the spouse is not part of the application, spouse needs to sign Form MRVP 4a related to the minor and a full certified true copy of the passport is required.
- d) In the case where the spouse has sole custody, a court ruling is required.
- e) In the case where main applicant shares custody with the biological parent, who is not part of the application, the biological parent's consent is required together with a full certified true copy of the passport.
- f) In the case where the spouse shares custody with the biological parent, who is not part of the application, the biological parent's consent is required together with a full certified true copy of the passport.



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g) If the biological parent has sole custody and is not part of the application, the minor cannot be included in the application.

Note that if the non-applying party does not hold a passport, an affidavit must be provided.

**Q33: In the case of minors, consent by both parents is required. In this regard, which application forms should the parent (who is not a beneficiary) sign to give his/her consent for the minor to be part of the MRVP with the other parent?**

Reference is being made to Form MRVP4a – Declaration of Minor Dependant. In case applicant has sole custody of the child/dependant, his/her partner is not required to sign any additional papers. This is without prejudice and subject to the national laws in the child's country of origin. In the case of shared custody, the other parent has to fill in Section C and provide a copy of his/her full passport.

**Q34: How should a Licensed Agent proceed if a dependant is not able to obtain a police conduct certificate from a particular country?**

According to legislation, a police certificate is required, issued by the Malta Police as well as a police certificate issued by the competent authorities (federal or national) in the country of origin and in the country or countries of residence where main applicant has resided for a period of more than 6 months during the last 10 years. Only in exceptional cases, where it is proven to the satisfaction of the Agency that such a certificate is not obtainable, we would require an affidavit from a police official and/or a government entity in his/her country of origin or where he has resided for a period of more than 6 months in the last 10 years, confirming that good faith attempts were made by applicant to obtain the required certificates. Moreover, another separate sworn affidavit made by applicant/dependant, declaring a clean criminal record is required.

**Q35: In cases where an individual has never resided in Malta, is a police conduct certificate issued by the Malta Police still required?**

No, it is not required.

**Q36: With regards to the representation agreement/power of attorney to be entered into between applicant and Accredited Agent does the representation agreement have to be in some particular form?**

The Agency requires a Power of Attorney (POA) that includes:

1. date of POA;
2. details of main applicant i.e. full name, passport number and country of issuance and residing address;



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3. details of the Licensed Agent: full name, ID Card number, residing address and AKM Licence Number;
4. validity to cover the full duration of the application process, from submission to collection of residence certificates and residence cards;
5. signature of grantor; and
6. details of witness i.e. full name and signature, passport number and country of issuance.

If translators are mentioned, these have to be identified and must sign the POA.

### **Q37: Is there a specific template for the affidavit of dependency?**

No, there is no specific template.

### **Q38: Which forms relate to data protection?**

Form MRVP10 provides for compliance with the General Data Protection Regulation EU2016/679 (GDPR). All applicants are to give their consent by signing this form. In case of a dependant who is a minor on day of application a Form MRVP10 is still required and has to be signed by one of the parents (which parent must be part of the application).

## **8. SUPPORTING DOCUMENTATION**

**Q39: With regards to Form MRVP3, Does Part E suffice or is a separate certificate required? Also, would one need evidence of the licence/warrant to be provided in relation to the physician examining and certifying the medical report and questionnaire (Form MRVP3)?**

Yes, it is covered by Part E of Form MRVP3. It is recommended that a copy of the licence or equivalent, is included with Form MRVP3.

**Q40: Please refer to the qualifications and general requirements mentioned in Legal Notice X, being some of the eligibility criteria for applicant and dependants. Please advise whether it would suffice if applicant and dependants provide a declaration sworn before a Commissioner of Oaths confirming what is listed in the mentioned sub-articles of Article 7 of the said legal notice, or if anything else is required.**

Part B in Form MRVP 1 and Part B, as applicable, in the Form MRVP 4 and MRVP4A suffices. No additional requirements are needed unless specified by the Agency.



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**Q41: Which administrative forms would need to be completed for the dependants upon submission of the additional dependant application pack?**

There are five forms that are required per individual:

1. Form MRVP4 (Adult Dependant Declaration) or Form MRVP 4A (Minor Dependant Declaration) as applicable;
2. Form MRVP2 (Personal Details);
3. Form MRVP3 (Medical Report and Questionnaire);
4. Form MRVP6 (Clearance Form) for dependants over 12 years of age on the date of application; and
5. Form MRVP10 (GDPR Regulations)

Notwithstanding, other documents may be introduced in the future, as the need arises. It is imperative that the latest versions of these forms are downloaded from the Agency's website just before the application process commences.

**Q42: We are in contact with some people in China and they have informed us that notaries in mainland China do not notarise and apostille documents. Have you encountered this issue? What is the procedure acceptable to MRVP?**

Yes, we have encountered such occurrences. Official documents/notarial certificates originating in China have to be legalised, meaning that such documents have to be certified by the foreign ministry of China and subsequently certified by either the Maltese Embassy in Beijing or the Maltese Consulate in Shanghai. Several applicants have already done this without encountering issues.

**Q43: Which are the official documents and in which format should they be submitted?**

The official documents are:

1. ID Card;
2. birth certificate;
3. marriage certificate;
4. divorce certificate;
5. passport;
6. police conduct;
7. military records; and
8. award of custody.

Original official documents or a certified true copy is accepted, except for the police conduct which must always be in original. However, if certification is done abroad, an apostille/legalisation of the certifier is required. Translations of original,



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or of certified true copies of these official documents, need to be apostilled/legalised if done abroad.

**Q44: In which language should a self-declaration be submitted?**

A self-declaration has to be signed and dated by the issuer and has to be submitted in original. Any self-declarations not in English must be translated to English. Translations done abroad have to be apostilled/legalised. Translations done locally do not need to be apostilled/legalised but have to be carried out by a Malta registered translator.

**Q45: Should parents or grandparents applying be above a certain age?**

No, there is no age threshold.



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### **Q46: How should Form MRVP 4a be completed?**

For minors who are less than 12 years old on date of application, the tick box in Part B and all of Part C have to be completed. In the case of a minor dependant who is between 13 and 18 years, Part B and Part C have to be completed. Part C is to be filled in and signed by the Main Applicant or the Spouse, who is to select in which role he/she is submitting the Form by selecting Main Applicant or Spouse in the appropriate Field. If he/she has sole custody, he/she has to denote this by ticking the box denoting sole custody. Part C2 is to be filled in by the other parent/legal guardian of the minor unless the other parent has sole custody. Again, this person (other parent/legal guardian) has to tick whether he/she is the Main Applicant, the Spouse or a Non-Applicant in relation to the minor whose details are written on the Form.

### **Q47: On Form MRVP3 (Medical Report and Questionnaire), if a specific hospital/doctor fills in and signs the form, do they still have to supplement a medical test report?**

The form should suffice as long as it is accompanied by the patient's identification document which is stamped, signed and dated by the examining physician.

### **Q48: Which hospitals are accepted by the Maltese authority? If international hospitals are accepted and the client has the examination record in English, is an apostille from the Maltese Embassy required?**

National and international hospitals are accepted. There is no need for an apostille.

## **9. APPLICATION FOR ADDITIONAL DEPENDANT**

### **Q49: Would main beneficiary/additional dependant need to be present when application is submitted?**

No, the agent will submit the application on behalf of the client.

### **Q50: How would the non-refundable administration fee be settled?**

The applicable fee has to be transferred via an electronic bank transfer to the Agency. At the time the application pack is accepted by the Agency, a request for payment is handed over to the Agent, who will instruct the beneficiary to affect payment within 3 working days directly from the bank account specified in Form MRVP2 to the Agency 's bank account, quoting the Agency's application reference number.



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**Q51: Can the beneficiary settle payments of the initial fee and final contribution fee using a Credit or Debit Card?**

Payments to settle the initial application fee as well as the final contribution fee after the letter of approval in principle is issued should be made from the bank account as declared by the main applicant on submission of file. Card accounts are not permissible.

**Q52: Is the affidavit of dependency the only requirement as proof of dependency or is any additional proof/supporting documentation required? For instance, school certificates, certificate of retirement, etc.?**

The affidavit of dependency should suffice but any supporting evidence would facilitate the process.

**Q53: Does one marriage certificate per couple suffice and do all divorce certificates need to be submitted?**

There is no issue with producing one marriage certificate (or a certified true copy) for a wedded couple. However, all divorce certificates must be submitted.

**Q54: Is a written, signed declaration from the client adequate? Or does an affidavit have to be submitted?**

In certain cases a written signed declaration is needed, as in the declaration of wealth/income, for example. In other cases, and this is specifically stated, an affidavit is required. For example, when main applicant declares that dependants over 18 years are economically dependent on him/her.

**Q55: Is a Commissioner for Oaths a suitable person to attest to the signature of the affiant in an affidavit?**

Yes, the Commissioner for Oaths is a suitable person for this function.

**10. LAPs, RESIDENCE CERTIFICATES, CARDS & BIOMETRICS**

**Q56: What will happen once the application packs are submitted by the Licensed Agent?**

Once an application pack is confirmed as complete and correct, and is accepted by the Agency, a receipt of the application pack is given to the Agent. The Applicant is also requested to pay the non-refundable administration fee where applicable.



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Once these are received by the Agency due diligence checks on main applicant and dependants are conducted. If successful, the application is presented to the Board of Approvals and, if approved, a letter of approval in principle is issued by the Agency.

Following this process, the main applicant will need to buy/lease the qualifying property, buy the qualifying investment or settle the 'Additional Contribution' and the Donation to the NGO, and purchase the necessary health insurance cover. Once main applicant provides all the documentation, the Agency will issue the residence certificate within 7 days, provided that all documentation is finalised and deemed acceptable to the Agency.

The Agency will also issue a Letter of Final Approval to main applicant (the beneficiary), inviting him/her and his/her dependants to call at the Agency's offices for the capturing of biometric data. Once the biometrics are captured, and all residency Forms collected, the application is sent to the department of residency for printing. The process of printing of residency cards is currently taking around 2 weeks per application.

**Q57: Will the residence certificate and the residence card have expiry dates?**

As long as all requirements stipulated in the Regulations will continue to be met, the residency certificate will not have an expiry date. The residency card, which will reflect the said immigration position, will be initially valid for a period of 5 years, renewable. In cases where a residency card is issued to a minor of less than 14 years, and the minor turns 14 during the 5-year validity, the expiry date of such minor's card will fall due one month after his/her 14<sup>th</sup> birthday. The same applies when dependant turns 18 years of age.

**Q58: Are there any exemptions from biometrics for certain categories of dependants?**

Yes, infants are exempt from biometrics up to the age of 2. However, Form ID2 together with 2 certified passport size photos need to be submitted for each child. With regards to persons with disabilities, each case will be decided on its own merits.

**Q59: Will a language test be carried out to test main applicant's and dependants' knowledge of Maltese/English?**

No language tests are applicable.



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**Q60: Upon renewal of the residency card after 5 years, do other fees apply?**

Yes, each individual has to pay €27.50 per year to for the renewal of the residency card.

**Q61: Following the initial five-year period, upon renewal of residency card, are main applicant and other beneficiaries required to come to Malta to retake their biometrics?**

Yes, all applicants are requested to retake their biometric data after the first five years of residency.

**Q62: Does the Agency support or facilitate the issuance of visas for applicants for travelling purposes?**

No, the Agency cannot provide any support to applicants obtaining a Visa for travel.

**Q63: Is the health policy required to be submitted together with other requirements once an application has been approved?**

Yes, the health policy endorsement or its equivalent, together with the NHS declaration, has to be submitted at final proof stage.

**Q64: After acceptance of the application, where do applicants have to provide the biometric data? Does the whole family have to travel to Malta?**

After the Letter of Final Approval, main applicant and all dependants have to travel to Malta to have their biometric data captured.

**Q65: Will the residency certificate still remain valid in the event of the death of the beneficiary?**

Following the death of a beneficiary, in exceptional circumstances, the 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 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 Agency that the conditions imposed by the Agency and all the requirements of these regulations are satisfied in such manner as the 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.



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11. APPLICATION FOR MALTESE CITIZENSHIP

**Q66: Can an applicant ever apply for the acquisition of Maltese citizenship by naturalisation?**

Yes, a foreigner may submit an application for the acquisition of Maltese citizenship by naturalisation after continuously residing in Malta for a minimum period of 5 years. S/he should have resided in Malta throughout the 12 months immediately before the date of application and 4 years out of the preceding 6-year period. S/he has to be knowledgeable in spoken/written English and Maltese, of sound mind and of good conduct.

The Minister has the discretion, according to the Law, to grant or refuse the application. It does not, therefore, mean that if such person satisfies the said conditions s/he would automatically be granted citizenship by naturalisation. The Minister's decision is based on internal policies, whereby amongst other requirements, the number of years could also be a feature in the examination of the relative request.

12. LICENCE OF EMPLOYMENT

**Q67: Can a beneficiary under the Programme be granted an automatic licence to be employed or to engage in business in Malta in view of the provisions of Article 11 of the Immigration Act?**

The MRVP does not entitle beneficiary to any employment licences. He/she still needs to apply for a work permit through normal procedures.

**Q68: How can beneficiary and/or dependants apply to set up a business in Malta?**

The beneficiary or spouse can apply to launch a business in Malta through the competent authorities, as long as they satisfy the prevailing legislation. A dependant can also take this route without losing his/her residency rights.

**Q69: Does MRVP give beneficiaries any tax benefits?**

The MRVP doesn't carry any tax grants and/or incentives. The statutory tax applies, and it is recommended that the advice of a tax consultant be sought.



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**Q70: Would a minor dependant of a beneficiary be entitled to free education whilst residing in Malta? If so, does this also apply to secondary and tertiary (i.e. University) education?**

No, under the MRVP a minor is not entitled to free education. However, if main applicant acquires a work permit, his/her children would be entitled to free primary and secondary education in state schools.

**Q71: Can applicants work in an EU country under the MRVP?**

The MRVP does not grant beneficiary any employment rights in the Schengen Area. Therefore s/he will need to apply for a work permit in the Schengen country according to the provisions of that particular country.



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13. TRAVEL

**Q72: Will the holder of the residency card be allowed to travel Visa-free throughout Europe or only in Schengen countries?**

Holders of the MRVP residency card may only travel to Schengen countries, and for a maximum period of 90 days within a 180-day period. The traveller should invariably carry a valid travel document and the residence card.

14. CHANGE IN STATUS OF A BENEFICIARY

**Q73: Once a dependant reaches his/her 27<sup>th</sup> birthday, would he/she automatically lose the right of residence in Malta? Would the said dependant be required to, on or before reaching the age of 26 years, apply for an MRVP in his/her name?**

No, the 27-year threshold is no longer in effect.

**Q74: When minor children under MRVP reach the age of 18, do they lose their Malta residence status?**

No, they do not lose their MRVP residence status as long as they satisfy the Regulations.

**Q75: If a beneficiary decides to give up his/her residence right in Malta within the first 5 years and move to another country, can he/she then sell the bond or equities immediately, or does he/she have to wait for 5 years until he/she can sell the bond? Same question applies to the lease agreement - if he/she wants to leave Malta before the lapse of the first 5 years, can he/she then get out of the lease agreement or does the lease agreement have to be for a five-year period? In our view, this can be done but naturally this will result in the cessation of the certificate.**

The fact that s/he sells the bonds or equities and does not adhere to the qualifying property agreement, that beneficiary will automatically lose his/her status and this applies vice versa, that is, if s/he relinquishes the residence certificate, there will be no obligations to fulfil. If beneficiary relinquishes and/or loses his/her residency rights, any dependants benefiting from residency rights through the same certificate will automatically lose their residency rights too



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15. COMPLIANCE

**Q76: Can the beneficiary sell or stop leasing the declared qualifying property during the first five years and replace it with another qualifying property?**

If the beneficiary chooses the "Qualifying Investment" option, during the first five years they can sell the qualifying property and buy/lease a new property as long as they continuously satisfy the qualifying property conditions. The beneficiaries can also stop leasing the declared qualifying property and replace it with another leased qualifying property or with an owned qualifying property. If the applicants choose the "Additional Contribution" option, during the first 5 years they cannot replace the declared qualifying owned property with a leased qualifying property. However, they can replace the declared owned qualifying property with another owned qualifying property. They can also replace the declared leased qualifying property with another leased qualifying property or with an owned qualifying property. In all cases, there must be no time gaps between the end date of the previous lease/ownership and the new lease/ownership. The beneficiaries must inform their Licensed Agents who are responsible to inform the Agency.

Ideally, such requests should be made within one (1) calendar month prior to the Annual Compliance deadline. A certified true copy of the purchase/lease agreement of the new qualifying property must be submitted to the Agency as evidence.

In case of a Lease agreement the following documents must be submitted:

- a. Housing Authority (HA) Approval
- b. Utility Bill (not older than 6 months) – bearing the residential address of the qualifying property
- c. External photos of the qualifying property, clearly showing the name, number and main entrance of the court/building and the internal door number of the property (if applicable)
- d. Receipt of rent payment
- e. Lessor's Power of Attorney (if applicable)
- f. Confirmation of De-Registration of previous tenants (if applicable)

In addition, in the case of a purchase agreement the following documents must be submitted:

- a. Purchase Agreement – signed between parties
- b. An architect's evaluation must be submitted, indicating the new price of the property if the property was purchased before 2015
- c. Utility Bill (not older than 6 months and in the name of the MA) – bearing the residential address of the qualifying property





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- d. External photos of the qualifying property, clearly showing the name, number and main entrance of the court/building and the internal door number of the property (if applicable)
- e. Confirmation of De-Registration of previous tenants (if applicable)

At its discretion, Residency Malta Agency reserves the right to conduct property spot checks. The agents/beneficiaries are also required to declare the number of bedrooms and the total square meters of the property. These details can be included, either in the lease/purchase agreement or as part of the Housing Authority registration form.

### **Q77: What is the Official Compliance Form?**

The MRVP5 Compliance Form is an official form that the beneficiaries must fill out every year for the first five years, and thereafter at the discretion of the Agency. This form is a declaration that the applicant's obligations are being satisfied according to the regulations. The form must be completed and signed by the beneficiaries. The licensed agents are responsible for ensuring that this form, along with all supporting documentation, is submitted as instructed in the respective circulars related to the compliance checklist. This submission should be made one (1) calendar week in advance, but not later than two (2) calendar weeks after the specified compliance due date. It is important for agents to adhere to the deadlines specified on both their portal and the Letter of Compliance. Additional documents and/or further clarifications requested through form MRVP41 must be submitted within a (3) three-week calendar period. Failure to do so may result in the revocation of residence cards for the entire application.

### **Q78: What will the renewal process for the residency cards be? To what extent will the Agent be involved?**

Residency cards will be issued for a validity of 5 years, unless the minor dependant turns 14 or 18 years old, in which case the card validity ceases on the dependant's birthday. In the latter cases, the card is renewed automatically, free of charge. Renewal requests for the 5-year expiry, have to come from the Agent, as long as beneficiary continues to comply with the regulations of L.N.X accordingly.

### **Q79: Will the duration of lease have to correspond with the residency card, i.e. if residency card is issued for 5 years, will a client require a 5-year lease?**



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The duration of the lease has to be not less than a year to comply with the set requirements. Beneficiary must have a valid residence in Malta at all times, with no gaps whatsoever.

**Q80: After 5 years does the beneficiary still need to fulfil the qualifying property and investment obligations?**

After 5 years, the beneficiary does not need to retain the qualifying investment and the qualifying property. He/she is still required to retain a residential address in Malta, however he/she no longer has to abide by the restrictions set for the initial 5 years.

**Q81: Is the requirement to show €100,000 annual income or €500,000 capital valid just for the first five years?**

Applicant is required to hold either the €100,000 annual income or the €500,000 capital from the day of application until the lapse of 5 years from the date of issuing the certificate.

### 16. APPLICANTS WHO CHANGE PROGRAMMES

**Q82: If an MRVP applicant decides to apply for a Citizenship for Exceptional Services, will the €30,000 contribution be deducted from the Citizenship for Exceptional Services fees?**

No. The €30,000 fee paid for MRVP is non-refundable and non-transferable.

### 17. GENERAL QUESTIONS

**Q83: What would the consequences be should beneficiary divorce from his/her spouse?**

In the case of a divorce, the spouse of beneficiary will lose residency rights. This might also affect the spouse's children whose other biological parent is not the beneficiary and who would have been included as dependants under said application. Each case will be assessed on its own merits.

**Q84: Can an adult dependant, employed and receiving the minimum wage, still be supported by main applicant where minimum wage is not enough to be self-sufficient?**

No, dependant has to be economically inactive at time of submission of application. He/she may seek employment thereafter.



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**Q85: Can a residence card be renewed abroad through a Maltese Embassy?**

No, the residence card cannot be renewed through a Maltese Embassy abroad.

**Q86: In Part A of Form MRVP3, applicant needs to list the licenced medical practitioner. Is it correct to assume that this is the usual general medical practitioner?**

Yes.

**Q87: In Form MRVP3, Part D needs to be filled in by the examining practitioner. Who can this be?**

This person may be the same general medical practitioner who filled in Part A of MRVP3. However, it could be a different medical practitioner.

**Q88: Is a health certificate issued by a hospital accepted? (On this matter the legislation provides that certificate is to be issued by a reputable health system to the satisfaction of the Agency).**

Yes, as long as the certificate is signed, dated and stamped by the medical practitioner, who should also include his/her professional license number, where applicable.

**Q89: Is there particular wording which the health certificate must contain?**

The wording is at the discretion of the general practitioner/medical institution.

**Q90: Can the main applicant use the company bank account for Form MRVP 2 to effect payment of contribution if the company is owned by him/her and has authorisation to use the company bank account since he/she is a director/shareholder of the company?**

In order for main applicant to use his/her company's bank account, the following documentation is required:

- board resolution authorising main applicant to transfer funds from the company bank account for the MRVP application.
- certificate of incorporation, shareholder register and register of directors for the company; and
- 3-month bank statement for the company account from which the funds will be transferred. The 3-month bank statement for main applicant's working bank account is still required.



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**Q91: Can the decision of a refused request for residency be appealed?**

No. The Board of Approvals' decision is final and cannot be appealed.

**18. AGENCY ADDRESS**

**Q92: Where should applications be submitted?**

Applications are to be submitted at Residency Malta Agency, Zentrum Business Centre, Level 2 Mdina Road Qormi QRM 9010, Malta.

**Q93: Where will appointments and biometrics be taken?**

Appointments and biometrics are held at Residency Malta Agency, Zentrum Business Centre, Level 2 Mdina Road Qormi QRM 9010, Malta.

**Q94: From where will residence cards be issued and from where can they be collected?**

The residence cards are to be collected from Residency Malta Agency, Zentrum Business Centre, Level 2 Mdina Road Qormi QRM 9010, Malta.

**ENDS**