RESIDENCY MALTA
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Frequently Asked Questions
Malta Permanent Residence Programme (MPRP)

These Frequently Asked Questions are meant as general guidelines for use by licensed agents. In case of conflicting views between these Frequently Asked Questions and the pertinent legislation, it is S.L. 217.26 that prevails.

1. ELIGIBILITY, ADMINISTRATION FEE, CONTRIBUTIONS AND DONATION

Q1: Who is eligible to apply?

Third country nationals, excluding EU, EEA and Switzerland are eligible. Nationals from the currently sanctioned countries of (or have close ties with) Afghanistan, North Korea, Iran, Democratic Republic of Congo, Somalia, South Sudan, Sudan, Syria, Yemen and Venezuela are ineligible.

Additionally, applications from the Russian Federation and the Republic of Belarus are currently not eligible.

The list of ineligible countries may be revised from time to time by the Agency at its discretion.

Q2: Can parents or grandparents of the main applicant apply as dependants?

Yes. A parent or grandparent of the main applicant or of his/her spouse who proves to the satisfaction of the Agency that at the time of application he/she is principally dependant on the main applicant, is eligible as a dependant. The main applicant shall provide an affidavit confirming that he supports each parent or grandparent. If a parent or 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). An additional fee of €7,500 per parent and grandparent applies.

Q3: Should applying parents or grandparents be above a certain age?

No, there is no age threshold.

Q4: Are household staff eligible as dependants?

No. The Malta Permanent Residence Programme is only open to the main applicant and his/her family dependants.

Q5: What proof would be considered as satisfactory in proving that an adult dependant is principally dependent on main applicant?

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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

Q6: One of the eligibility criteria for an adult dependant to be part of an application, it must be proven to the satisfaction of the Agency is that at the time of application he is principally dependent on the main applicant. What does "principally dependant" refer to?

The Main Applicant must prove to the Agency's satisfaction that at the time of submission of the application, the adult dependant cannot live a self-sufficient basic independent life without the Main Applicant's support.

Adult dependants having an accumulated wealth and/or sufficient income arising from, but not limited to, corporate affiliations through significant shareholding and/or holding legal positions, top roles or any other role in the corporation financial assets, properties and reasonable economic activity or employment, would not be eligible to apply for the MPRP Programme, even if the main applicant would be contributing further to enable the dependant to lead a better lifestyle.

Q7: In the event that a parent or grandparent 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 Agency 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 afore-mentioned parents or grandparents are still principally dependent on him/her.

Q8: What administration fee applies for each application?

An administration fee of €40,000 for each application applies. A non-refundable initial fee of €10,000 should be paid to the Agency within one month of submission of the application. The remaining €30,000 is required to be settled within two months of the issuance of the Letter of Approval in Principle.

Q9: In the case of an application for the entire family, what contributions need to be paid?

The contribution fee of €28,000 (if purchasing property) or €58,000 (if leasing property) covers the main applicant, spouse and children who, upon submission of application, are principally dependent on the main applicant. For parents and grandparents of the main applicant and spouse, an additional fee of €7,500 each applies.

Q10: Applicants are now required to make a donation to a voluntary organisation. What are the details?

A financial contribution of €2,000 is to be made to a local registered philanthropic, cultural, sport, scientific, animal welfare or artistic NGO registered with the Commissioner for Voluntary Organisations, or as otherwise approved by the Agency.

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Q11: Is there a fee for the issuance of a residence card by Identity Malta?

A processing fee applies when a residence card is issued or renewed. The fee is currently that of €137.50 per person for the initial 5 years and €27.50 per year for renewals.

Q12: What is the validity period of the residence certificate and the residence card?

The residence certificate does not expire provided all the Programme obligations are adhered to. The residence card is valid for 5 years or until cut-off dates, at ages 14 and 18, following which the beneficiary should reapply for the card renewal with our Agency.

Q13: Is it possible for a beneficiary to add a dependant at a later stage after initial application submission?

Yes, this is possible, however these are to be added to the application after the residence certificate is issued. A further application pack must be submitted containing the following documents:

- MPRP7 can either be certified via a licensed agent who will verify the beneficiary's identity via digital software made available by Residency Malta or else, an applicant has the option to sign Part D of the Form in the presence of a 'Commissioner for Oaths', who in turn must compile Part D accordingly.
- MPRP2, 3, 4, 4a, 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
- Police Certificate (if applicable)

Application must be accompanied by the contribution fee for dependants. Kindly refer to the Agent Handbook for list of fees and contributions.

Q14: Are there any guidelines on the fees which Agents should be charging in connection with their services for the purposes of the Malta Permanent Residence Programme?

No. It is at the discretion of the respective agents to decide what fees to charge their clients.

2. QUALIFYING PROPERTY

Q15: Does applicant need to own/lease property in Malta at application stage?

No. Applicant has to own/lease property and submit the relevant documentation within 8 months from the date of issue of 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 S.L. 217.26 regarding the qualifying property, is still acceptable.

Q16: Can the beneficiary sell or stop leasing the declared qualifying property during the first 5 years and replace it with another qualifying property?

Yes, during the first 5 years the beneficiaries can sell or stop leasing the qualifying property and buy/lease a new property as long as they continuously satisfy the qualifying property conditions. However, beneficiaries are not allowed to switch from an owned property to a leased property in the first 5 years. There must be no time gaps between the end date of the previous lease/ownership and the new lease/ownership and 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
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.

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Q17: 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.

Q18: It is possible for the beneficiary to first buy a property then rent one?

In the first five years, this is not possible.

Q19: 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.

Q20: A client explained that he has just bought a property in the South of Malta for circa €220,000 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 €300,000 required for a propertyin the South. Will this be considered as satisfactory property investment?

Yes. Provided that the property is purchased before the date of application and on whichworks have been carried out at the expense of the client after the purchase, shall be considered to be a qualifying owned property insofar as the value of such property is notless than €300,000 as supported by an independent architect's detailed valuation reportincluding a plan of the property and a description of works undertaken. The Agency may, in its discretion, appoint an architect to determine the value of the qualifying owned property. In such case, officers of the Agency and/or any architect appointed by the Agency for this purpose shall be granted full and free access to the qualifying owned property to the extent that such access is likely to assist in determining the value of the said property. In all cases, it is within the power of the Agency to decide whether or not the requirements are satisfied.

Q21: 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.

Q22: Would the minimum property requirements no longer apply, after a qualifying property has been held for the first 5 years?

The beneficiary is not obliged to retain possession of the qualifying property stipulated in the respective legal notice. However, to retain the residence permit he/she must hold a residential property in Malta or Gozo.

Q23: Can applicant take a loan to buy the qualifying property?

This matter is at the discretion of the Bank.

Q24: During application stage the applicant undertakes to fulfil the obligation to buy or rent the property in Malta. Is an affidavit enough or does one need a promise of sale/rent agreement?

If applicant fulfils declaration in Form MPRP1 to provide proof of title to a qualifying property in Malta in accordance with the provisions of the Malta Permanent Residence Programme Regulations, applicant at this stage would not need to provide a promise of sale or rent agreement. It is important that this declaration is certified via a licensed agent who will verify the beneficiary's identity via digital software made available by Residency Malta or else, an applicant has the option to sign Part G of the Form in the presence of a 'Commissioner for Oaths', who in turn must compile Part G accordingly.

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3. PROOF OF ASSETS

Q25: It is quite normal for a property to be co-owned by the main applicant and his/her spouse, children and sometimes grandparents. Would this be accepted as evidence of the €500,000 capital?

Only the spouse's part of the property is taken into consideration and only if the spouse is part of the application.

Q26: If applicant is in possession of assets amounting to €500,000 (of which €150,000 should be in the form of financial assets), is the amount applicable only to main applicant or is it applicable also to the other listed dependants?

The amount is applicable to main applicant only. The amount does not change according to the number of persons included in the application.

Q27: Are cryptocurrencies permissible as financial assets?

No, they are not permissible. These should be liquid assets like stocks, bonds, publicly listed/traded shares, funds and bank deposits.

Q28: Can applicant be eligible with a €100,000 yearly employment income, as was required in the old programme?

No, applicants can no longer be eligible by showing a yearly employment income of €100,000. Applicants need to show assets of €500,000.

Q29: With respect to the monitoring of assets, for how long will the beneficiary need to be compliant and in what form should these declarations be presented to the Agency?

Monitoring of beneficiary's €500,000 in assets, out of which a minimum of €150,000 need to be financial assets will be made yearly for the first 5 years. The declaration is to be made through the submission of Form MPRP5 (Official Compliance Form), which is to be signed by the beneficiary and by the agent.

Q30: Is the €500,000 capital requirement distinctive from the value of property acquired/leased in Malta?

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

1. proof of €500,000 capital, out of which a minimum of €150,000 should be financial assets; and
2. property valued at €300,000/€350,000 or rent of €10,000/€12,000 per annum;

Q31: What does the Agency expect as a 'statement of source of funds and wealth'?

The statement of source of funds and wealth is reflected in Form MPRP2. Also, a bank statement of the applicant's main account for the last 3 months from which the

administrative fee and the contribution will be remitted, is required.

Q32: Not many people keep cash in a bank account for a long time. They may have investment in property, security or business. Can applicant present a security/investment portfolio and/or property appraisal and/or company financial statements?

Yes, these documents are acceptable as long as they are issued from a reputable company or an official entity. These documents will accompany the necessary MPRP forms, including Form MPRP2 in which the statement of source of funds and wealth has been incorporated. The Agency is interested in the 'individual' financial capabilities, and the applicant must convince the Board that he/she has enough funds to satisfy the MPRP requirements with regards to qualifying property, and sustain him/herself and their dependants while at the same time still satisfy the programme qualification criteria with regards to €500,000 in capital out of which a minimum of €150,000 shall be in the form of financial assets. What is important is that reliable evidence is presented to sustain applicant's declaration.

Q33: With regards to the €500,000 capital requirement, would an architect's valuation be acceptable as evidence in order to establish the total net assets of a client if his/her assets were primarily real estate (and not necessarily cash or other liquid assets)?

Yes, an architect's valuation is acceptable and real estate can form part of main applicant's capital requirement.

Q34: Is a spouse considered to be a dependant if he/she has assets or sources of income?

Although the spouse is considered as a dependant, nothing precludes him/her from being in possession of certain assets and sources of income.

Q35: If main applicant confirms that he/she holds shares in a company that is publicly listed, are company documents to be submitted with the application pack?

If main applicant's shareholding exceeds 10% of the total shareholding in a publicly listed company, the company documents are required. For more information, please refer to question Q56.

Q36: Can main applicant rely on the benefactor for proof of assets?

Yes, however these should be in the name of the main applicant as specified in the legislation. In order to satisfy this requirement, the benefactor should transfer the funds to the main applicant who should present documentary evidence of this transfer such as deed of gift or sworn declaration, as well as evidence of the bank transfer.

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4. KNOW YOUR CLIENT (KYC)

Q37: With respect to KYC evidence, in which format is such evidence to be presented to the Agency by the agent?

The agent is responsible for introducing reputable applicants to the Programme, 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. The agent should also provide a covering letter signed in original.

Q38: At which stage do agents need to submit evidence of KYC?

KYC evidence has to be submitted upon application stage.

5. DOCUMENTS PRESENTED AS PART OF THE APPLICATION

Q39: Would the agent need to submit any documents prior to setting up an appointment with Client Relations and Compliance in order to submit the application?

No, there is no need to submit any documents prior to setting up an appointment. The agent must simply ensure that all documents stipulated in the guidelines/application forms, are provided on submission of application pack.

For those jurisdictions which require an Agency recommendation to issue a police clearance or for direct submission of the clearance to the Agency, agents should submit a police conduct request to Client Relations and Compliance well in advance so that a good application can be submitted.

Q40: Where do I find a list of documents that have to be presented during application submission stage?

A comprehensive list can be found in the Agent Handbook, available on the Agency's website.

Q41: 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.

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Q42: Would main applicant need to submit a copy of divorce certificates, and 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.

Q43: 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 MPRP4a 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 MPRP4a 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.
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.

Q44: In the case of minors, consent by both parents is required. In this regard, which application forms should the parent (who is not part of the MPRP) sign to give his/her consent for the minor to be part of the MPRP with the other parent?

Reference is being made to Form MPRP4a – Declaration of Minor Dependant. In case where an 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.

Q45: How should an agent proceed if main applicant and/or his/her dependants are not able to obtain a police conduct certificate from a particular country?

As outlined in the legislation, a police certificate is required, 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 and any dependants, declaring a clean criminal record is required.

Q46: In cases where applicant has never resided in Malta, is a police conduct certificate issued by the Malta Police still required?

No, it is not required.

Q47: Is documentary evidence of residential address required only for main applicant or for all adult dependants, including the spouse?

Only documentary evidence for each current residential address held by the main applicant is required.

Q48: With regards to the representation agreement between client and agent, does this have to be in some particular format?

Yes. This has to be a fully-fledged Power of Attorney (POA) and must include:

1. date;
2. details of main applicant: full name, passport number and country of issuance and residing address;
3. details of the agent: full name, ID Card number, residing address and AKM License 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: full name and signature, passport number and country of issuance.

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

Q49: Is there a specific template for the affidavit of dependency?

No, there is no specific template. Moreover, this is required only for adult children, parents and grandparents.

Q50: Applicant must provide an undertaking to purchase or lease a qualifying immovable property and to remit the total of the non-refundable administration fee. Is the declaration on Form MPRP 1 sufficient or do you require a separate undertaking executed by applicant?

The declaration in Part B on Form MPRP1 suffices.

Q51: We are informed that notaries in mainland China do not notarise and apostille

documents. Have you encountered this issue? What is the acceptable procedure?

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.

Q52: 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.

Q53: We assume that evidence of business ownership is applicable only when the main applicant has declared that he is self-employed. Is this correct?

In the case of business ownership, whether in part or in full, evidence is required whatever the declared employment status of the applicant. For more information, please refer to question Q56.

Q54: Is evidence of employment required when the main applicant is not self-employed?

Yes, evidence of employment is required when main applicant has declared that he is not self-employed.

Q55: What evidence would main applicant who declares that he is both self-employed and employed need to submit?

In the case where main applicant is both self-employed and not, he has to mark both options in Part C of Form MPRP2 and has to produce evidence on both his/her employment and his/her self-employment.

Q56: Which documents must be provided as evidence of business ownership?

Originals or Certified true copies of the following documents, or their jurisdictional equivalent, are to be provided for all businesses owned in part or in whole:

- certificate of incorporation.
- memorandum and articles of association.
- share register.
- register of directors.

In those cases where the official extract from the National company registry of the applicable jurisdiction contains all the relevant details, including incorporation information, list of shareholders, registered and paid capital including dates, and the list of directors and/or all legal persons, this extract can be submitted instead of the above documents.

Depending on the jurisdiction, documents can, at times, be titled in a different manner but would still hold jurisdictional equivalence.
When this occurs, a declaration is required stipulating such differences in titles.

If you are not sure whether the official extract or any of the document satisfies the required criteria, it is suggested that you seek advice from the Agency's Client Relations and Compliance department before submitting the application pack.

Q57: 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.

Q58: 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.

Q59: How should Form MPRP4a 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 D 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.

Q60: What is the applicable procedure for the certification of Form MPRP1 and Form MPRP7?

Form MPRP1 and Form MPRP7 are to be certified via a licensed agent after the latter would have verified the applicant's identity via digital software made available by Residency Malta. A copy of the identity software verification report is to be signed by the licensed agent and submitted with the form. An applicant also has the option to have

these forms signed in the presence of a Commissioner for Oaths. The Commissioner for Oaths needs to witness the signatures. A Commissioner for Oaths shall be deemed to be a person who under the law of that country, is empowered to administer oaths.

Q61: On Form MPRP3 (Medical Report and Questionnaire), if a specific doctor fills in and signs the form, does the form have to be supplemented with a medical 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.

Q62: In Form MPRP3, 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 MPRP3. However, it could be a different medical practitioner.

Q63: When there is no Maltese embassy or consulate in a certain country, or if main applicant so desires, can a local lawyer/solicitor/notary be the witness for the signature of an affidavit? Also, can a local court of law be the witness of the signature?

Whoever is empowered to administer oaths in that respective jurisdiction (and the Agency has official confirmation that this is the case) can witness the signature in person and other affidavits. A Commissioner for Oaths could also be available in local courts of law. It is to be remarked that all signatures should bear the stamp of office and any other relevant details.

Q64: When submitting declarations, 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 principally dependent on him/her.

Q65: 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.

Q66: Can oaths be taken via video conferencing?

Oaths taken via video calls are not accepted. Oaths are to be taken in the physical presence of the Commissioner, while also indicating the place it has been taken. During the oath-taking, the identity of the person taking the affidavit is confirmed by the Commissioner and identity documents verified. Moreover, the individual needs to thoroughly understand the seriousness of what s/he is swearing to.

Q67: What supporting documentation should be submitted to show that the donation

to the NGO has been made?

A receipt from the relevant NGO registered with the Commissioner of Voluntary Organisations showing a donation of €2,000 should suffice.

Q68: What is the process of legalisation for documents originating from Vietnam?

Any document that requires legalisation from Vietnam, must first be legalised in Vietnam from either of the below locations:

i. Consular Department - Vietnam Ministry of Foreign Affairs

   Address: 40 Trần Phú Street, Ba Đình District, Ha Noi
   Phone number: (0084) 24 3799 3125

ii. Department of External Relations – Ho Chi Minh City:

   Address: 6 Alexandre de Rhodes, District 1, Ho Chi Minh City
   Phone number: (0084) 28 3822 4224 or (0084) 28 3822 3055

Once a document is legalised in Vietnam, this must be sent to the Maltese embassy in Beijing, China, for counter legalisation at:

i. 51, San Li Tun Diplomatic Office Building, Chaoyang District, Beijing, China

Applicable fee is RMB 200 (€25) per document as per Legal Notice 221 of 2016.

It is important to note that an appointment must be set in advance to submit the documents at the Maltese Embassy in Beijing, China on Thursdays between 10:00 and 12:00hrs. Documents must be presented and collected in person by the applicant or his/her representative. Processing time is 10 working days.

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6. SUBMISSION OF APPLICATION

Q69: Would the main applicant need to be present when the application is submitted?

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

Q70: How would the initial non-refundable fee of €10,000 be settled?

The 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 main applicant to effect payment within one month directly from the bank account specified in Form MPRP2 to the Agency's bank account, quoting the application reference number.

Q71: How can a main applicant make payments?

Payments to settle any fees should only be made by direct debit from the bank account as declared by the main applicant in Form MPRP 2 on submission of application.

The following payment methods are not accepted by Residency Malta Agency :

- Payments via debit/credit cards;
- Payments via virtual payment platforms (e.g. Paypal);
- Payments in cryptocurrency.

Debit/Credit card payments are only accepted for processing fee payments for the issuance or renewal of a residence card to Identity Malta.

Q72: The agent has to provide a covering letter stating why main applicant is interested in obtaining residence in Malta. Why is this required?

The Agency requires an introductory letter from the agent explaining the applicant's motivation to apply for residency-by-investment in Malta. Additionally, main applicant may also opt to forward a letter of intent.

7. ISSUANCE OF LETTER OF APPROVAL IN PRINCIPLE, RESIDENCE CERTIFICATE, RESIDENCE CARD AND BIOMETRICS

Q73: What is the process to be followed, right after the application is duly submitted?

An application pack is to be submitted complete and correct including full supporting documents. Incomplete application packs will not be accepted by the Agency. For a list of documents and forms to be submitted, kindly refer to the Agent Handbook, available on our website.

In order to submit a new application, the agent should set an appointment with Client Relations and Compliance. During the appointment, the agent shall submit the

application pack with the receptionist or a Client Relations and Compliance employee, as applicable. The agent shall be given a receipt of submission, which does not mean that the file is formally accepted by the Agency

Once the application pack is vetted and accepted by the Agency, a formal receipt is issued, and the applicant is requested to settle the initial non-refundable fee of €10,000 within one month. On receipt of funds, 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.

Following this, the main applicant is required to settle the contribution, buy/lease the qualifying property, make the donation 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.

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 our offices for the capturing of biometric data. Once the biometrics are captured, and all residence forms collected, the application is sent to the department of residence for printing. The printing of residence cards currently takes circa 2 weeks per application.

Q74: Will the residence certificate and the residence card have expiry dates?

As long as all requirements stipulated in the legislation continue to be met, the residence certificate will not have an expiry date. The residence card, however, is initially valid for a period of 5 years, but is renewable. In cases where a residence 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 14th birthday. The same applies when dependant turns 18 years of age.

Q75: 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.

Q76: Will a language test be carried out to test main applicant's and dependants' knowledge of Maltese/English?

No language tests are applicable.

Q77: Upon renewal of the residence card after 5 years, do other fees apply?

Yes. Each individual has to pay €27.50 per year for the renewal of the residence card.

Q78: Can residence cards be renewed abroad through a Maltese Embassy?

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

Q79: Following the initial five-year period, upon renewal of residence card, are main applicant and other beneficiaries required to come to Malta to retake their biometrics?

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

Q80: Does the Agency support or facilitate the issuance of visas for applicants for travelling purposes?

No, the Agency cannot provide any support to applicants who would like to obtain a travel visa.

Q81: Will the commencement of lease of property need to be as close as possible to the appointment for submission of final documents?

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.

Q82: Can the main applicant use a company bank to effect payments of fees and contributions if the company is owned by him/her and he/she has authorisation to use the company bank account since he/she is a director/shareholder of the company?

In order for the 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 MPRP application;
- certificate of incorporation, shareholder register and register of directors for the company;
- 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.

Q83: Is the health policy required to be submitted together with other requirements once an application has been approved?

Yes, the health policy must be submitted together with a declaration signed by the Main Applicant, whereby, he/she states that he/she will take care of any additional medical expenses locally for all the beneficiaries, which are not covered by the health insurance policy.

Q.84: What are the parameters of the health insurance?

The health insurance should cover each beneficiary for a minimum of €100,000 per annum, that requires to cover full health expenses in Malta and other European countries.

This applies to all new applications submitted from 1st August 2024.

All applications submitted prior to 1st August 2024, will still retain a health insurance coverage for each beneficiary for a minimum of €30,000 per annum, that requires to cover full health expenses in Malta and other European countries.

Q85: 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.

8. ACQUISITION OF MALTESE CITIZENSHIP RIGHTS

Q86: Can an applicant ever apply for the acquisition of Maltese citizenship by naturalisation?

Yes, a beneficiary 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 or 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.

9. EMPLOYMENT AND EDUCATION

Q87: Can a beneficiary under the Programme be granted an automatic licence to be employed or to engage in business in Malta?

A certificate of residency under the Malta Permanent Residence Programme does not entitle beneficiary to any employment licences. He/she still needs to apply for a work permit through normal procedures.

Q88: 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 residence rights.

Q89: Does MPRP give beneficiaries any tax benefits?

The MPRP does not provide any tax related status or benefit. The applicable Maltese statutory tax provisions apply to this status.

Nonetheless as a general principle, the basic statutory provisions lay down that Maltese tax for non-Maltese-domiciled individuals is imposed on:

i. all chargeable income and capital gains arising in Malta, and on chargeable income arising outside Malta that is remitted to Malta in the case of an individual who is resident in Malta, and
ii. only chargeable income and capital gains arising in Malta in the case of an individual who is not resident in Malta.

An exception to the above principles applies in the case of individuals holding certain rights under the Status of Long-Term Residents (Third Country Nationals) Regulations and the Free Movement of European Union Nationals and their Family Members Order, who would remain chargeable on a worldwide basis. However given that the MPRP does not of itself grant such rights, MPRP holders' basic tax position should be governed by the general principles set out in the preceding paragraph.

Of course every individual would need to determine the tax treatment applicable in his/her specific situation and thus it is strongly recommended that the advice of a tax consultant be sought.

Q90: 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 MPRP a minor is not entitled to free education. However, if the main applicant or spouse acquires a work permit in Malta, his/her children can apply for an exemption of fees under the applicable single work permit legislation (SL 217.17) and the Education Act.

Q91: Can applicants work in an EU country under the MPRP?

The MPRP 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.

10. TRAVEL

Q92: Will the holder of the residence card be allowed to travel Visa-free throughout Europe or only in Schengen countries?

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

RESIDENCY MALTA
AGENCY

11. CHANGE IN STATUS OF BENEFICIARIES

Q93: Once a dependant reaches his/her 27th birthday, would he/she automatically lose the right of residence in Malta?

No, the 27-year threshold valid under previous legislation is no longer in effect.

Q94: When minor children under MPRP reach the age of 18, do they lose their Malta residence status?

No, they do not lose their MPRP residence status as long as they still satisfy of the eligibility criteria.

Q95: If the beneficiary decides to give up his/her residence rights in Malta within the first 5 years, can he/she sell the property or opt out of the lease agreement?

The fact that s/he sells the property or opts out of the lease agreement means that the beneficiary will 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 residence rights, any dependants benefiting from residence rights through the same certificate will automatically lose their residence rights too.

12. COMPLIANCE

Q96: What is the Official Compliance Form referred to in the Guidelines?

The MPRP5 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 beneficiary's obligations are being satisfied according to the regulations. The form must be completed and signed by the beneficiary. The 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 MPRP41 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.

Q97: What is the renewal process for the residence cards? Is this also done via the agent?

Residence cards are issued with 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. Renewal requests after the 5-year expiry have to be done via the agent. The renewal procedure is subject to change. Biometric data has to be recaptured before cards can be extended.

Q98: Does the duration of lease have to correspond with the residence card, i.e. if residence card is issued for 5 years, will a client require a 5-year lease?

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

Q99: After 5 years, will the beneficiary need to submit any other compliance forms since this will be done at the discretion of the Agency? Do all obligations need to be retained? Is there any fee to be paid? Is there any documentation that needs to be filled and submitted?

After five years, the beneficiaries do not need to retain the qualifying property. However, if the beneficiaries would like to extend their stay in Malta, they are still required to retain a residential property and obtain health insurance to cover risks in Malta and other European countries. The Agency has the right to ask the beneficiaries, via the licensed agents, to provide proof of residential address and health insurance, while also undertaking due diligence checks to ensure the beneficiary and dependents are still eligible. At its discretion, the Agency also reserves the right to carry out random property spot-checks.

Q100: Is the requirement to show €500,000 capital valid just for the first 5 years?

The beneficiary is required to hold the €500,000 capital with €150,00 in financial assets for the first five years only.

13. APPLICANTS WISHING TO CHANGE TO ANOTHER PROGRAMME

Q101: If an applicant who has already submitted an application under the MPRP decides to apply for a Citizenship for Exceptional Services, will the €40,000 administrative fee be deducted from the Citizenship for Exceptional Services application fees?

No. The €40,000 fee paid for MPRP is non-refundable and non-transferable. The two Programmes are distinct from each other.

Q102: Can a client change his Citizenship for Exceptional Services application over to the MPRP?

No. The two programmes are separate and distinct. An applicant may wish to abandon his/her Citizenship for Exceptional Services application and apply for the MPRP. However, the MPRP process needs to be undertaken in full.

Q103: If applicant already holds a residence permit through another scheme but wishes to apply for the MPRP, would he/she still be required to submit new residence Forms i.e. Form K, Form ID 1A & Form ID 2?

Yes, applicant would be required to submit new residence application forms to the

Agency. The Applicant's documentation submitted for previous permits will have no bearing on the MPRP application.

14. GENERAL

Q104: Which forms relate to data protection?

Form MPRP10 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 MPRP10 is still required and has to be signed by one of the parents (which parent must be part of the application).

Q105: What would the consequences be should beneficiary divorce from his/her spouse?

In the case of a divorce, the beneficiary's spouse and his/her parents and grandparents 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 the application. Each case will be assessed on its own merits.

Q106: Our client is an EU national and his partner is a third country national. Client wishes to apply for the MPRP for his partner. In this regard, since client is of European nationality, thus prohibited from applying for the programme, may his partner (third country national) apply for the MPRP while client acts as her benefactor?

Legislation does not impede him/her from submitting an application as main applicant, supported by a benefactor.

Q107: What is the difference between a benefactor and a donor? Which documentation is required in each case?

<u>The Donor</u>
A donor is a person who, at a certain point in time, has contributed to the accumulation of total wealth of the main applicant, with a one-time donation. In this case the following documents are to be submitted:

1. The passport bio page and page containing signature of the donor(s), required as a means of verification of the signature in all cases (in addition to the deed of the donation, etc.)

2. Benefactor documents (listed below) are required if the donation/s form/s a considerable part of the wealth and/or have had a considerable impact on the applicant's wealth accumulation. In view of this, the agent and/or the main applicant should in the first instance assess this themselves, and if according to their judgement, the circumstances require such documents to be submitted, they do so with the initial application to speed up the process. In any case, however, the Agency reserves the right to ask for these documents at a later

stage, if from our assessment it results that the donation's impact on the wealth requires such documents.

The Benefactor

A benefactor is a person who takes the responsibility to cover the financial requirements established by the law that would qualify the main applicant as eligible for the issuance of the certificate of residence. The benefactor will be screened by our due diligence process as the source of funds of the main applicant. Therefore, the following documentation must be submitted:

- Form MPRP2, in the name of the benefactor, all sections fully completed (including the Source of Funds and Wealth section);
- Form MPRP 4;
- 3-month bank statements for the benefactor's account from which the funds for the MPRP application will be remitted;
- Certified true copy of all valid passports of the benefactor (ALL pages);
- Evidence of current employment (if applicable);
- Evidence of business ownership (for business owned in part or in whole by the benefactor) - For more information, please refer to question Q56.
- Sworn declaration that the benefactor will fund the main applicant's MPRP application and all the related financial obligations and will also provide the main applicant with stable and regular resources;
- A copy of the biometrics data page;
- Police certificates from the benefactor's country of origin, his/her current residence and any country he/she has lived in for a period of over 6 months in the past 10 years.

The main applicant should still complete Form MPRP2 in its entirety and provide a 3-month bank statement of his/her personal bank account.

Q108: Can the decision of a refused request for residence be appealed?

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

Q109: The programme requirements state that applications for a certificate shall be accompanied by confirmation to the satisfaction of the Agency that the main applicant and his dependants are not suffering from any serious illness or contagious disease and that they are otherwise in good health and will not be, in terms of the medical review carried out by the Agency, of an unreasonable burden on the national health system. Would an individual who has been diagnosed as being a Hep B carrier be eligible to apply?

The requirement is that the individual must be completely free from the contagious disease to be eligible for the programme. Hence, as an example, an individual who is clinically fit and does not suffer from any acute or serious pathology but is in Hepatitis B carrier state with low infectivity, he would still be harbouring a contagious condition and for this reason he is medically not eligible to qualify for the Malta Residency programme.

For avoidance of doubt, it is strongly suggested that such situations are clarified with the Agency before submitting the application. This is because if at a later stage it results that the Main Applicant is not eligible, this alone would already result in the application not being approved. If the non-eligibility pertains only to a dependant(s) , the dependent(s) will not be approved as part of the application.

In all cases, the Agency's decision as to whether an individual is to be considered as medically eligible or not is final.

15. WITHDRAWAL OF APPLICATIONS

Q110: What documents should be submitted if a main applicant would like to withdraw his/her application or a beneficiary his/her certificate?

The main applicant or beneficiary must submit a declaration in original, stating the reason for withdrawal. Certificates and cards need to be returned to the Agency within one month after confirmation of withdrawal.

Q111: Can the agent collect the original file submitted by the applicant, once the application is formally withdrawn?

Yes, the agent must set an appointment with Client Relations and Compliance to collect the file submitted by the applicant.

Q112: Can a dependant withdraw the application separately from the main applicant?

Yes, in this case, if the dependant is a minor, the main applicant should still submit a declaration on behalf of the minor dependant, explaining the reason for withdrawal. If the dependant is an adult, he/she should submit a signed declaration on their own behalf.

16. DE FACTO PARTNERSHIPS

Q113: Are de facto partnerships accepted under the MPRP?

Yes, de facto partnerships are accepted as long as adequate proof of such is submitted.

Q114: What are the documents required as proof of a de facto partnership?
The following documentation is required as part of the application for a de facto partnership:

- covering letter signed by the agent;
- certified true copy of Main Applicant's passport;
- certified true copy of partner's passport;
- certified true copy of the Main Applicant's birth certificate;

- certified true copy of the partner's birth certificate;
- adequate proof of long-standing relationship, which may include the following:
  - affidavit from relatives/friends confirming that they have known the couple for an adequate number of years;
  - bank statements (either showing transactions between partners or showing a joint bank account);
  - rental agreement or purchase agreement of a joint property;
  - dated photos portraying the couple;
  - flight tickets showing travel together, and
  - any other relevant documentation.

Q115: At what stage should the documents supporting the de facto partnership application, be submitted?

The full documentation should be submitted prior to the initial application submission, since the de facto partnership should be approved by the Minister. The agent is requested to set an appointment with Client Relations and Compliance to submit such documents well in advance.

17. STEPPARENTS

Q116: Are stepparents accepted under the MPRP?

Yes, stepparents are accepted if adequate proof of a genuine link relationship is proven between the stepparent and the Main Applicant or his/her Spouse. The Agency's decision on whether evidence provided does indeed prove the genuine link or not is final and not open to appeal and/or to further discussion.

Q117: What are the examples of genuine link relationship?

Some examples are as follows:

- MA/SP's biological father or mother married to a stepparent when MA/SPs were still minors.
- MA/SPs biological father or mother, married to a stepparent prior to MA/SPs marriage.
- MA/SPs biological father or mother already divorced and holding custody rights. It might be that the stepparent played a significant role in the upbringing of the MA/SP, even though the stepparent at that time was not yet married to the biological mother or father

Q118: What kind of documents may be presented as proof of a genuine link relationship?

The following documents may be suitable:

a) bank statements (showing transactions between their individual accounts or joint bank

b) accounts);
c) flight tickets;
d) affidavits from persons who can testify to the relationship;
e) household certificate (the Hukou for Chinese applicants); and
f) other relevant documentation.

Q119: At what stage should the documents supporting the stepparent application, be submitted?

The full documentation should be submitted prior to the application submission since the validity of such genuine link requires to be pre-approved or otherwise by the Agency. The agent is requested to set an appointment with Client Relations and Compliance to submit such documents well in advance.

18. AGENCY POINT OF CONTACT

Q120: Where should applications be submitted?

Applications are to be submitted at Zentrum Business Centre, Level 2, Mdina Road, Qormi QRM 9010, Malta by the agent in person. Appointments for the submission of applications and/or documents must be made by sending an email to clientrelations.residencymalta@gov.mt

Q121: Where will biometrics be taken?

The capturing of biometric data is held at Zentrum Business Centre, Level 2, Mdina Road, Qormi QRM 9010, Malta. To set appointments for biometrics, send an email to clientrelations.residencymalta@gov.mt

Q123: From where will residence cards be issued and from where can they be collected?

The residence cards are issued by Identity Malta but will be collected by the beneficiary or by the agent from Zentrum Business Centre, Level 2, Mdina Road, Qormi QRM 9010, Malta. Agents will be notified by email when residence cards are ready to be collected.

ENDS

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