I assent.

(L.S.) **GEORGE VELLA**
President

3rd April, 2020

ACT No. XV of 2020

AN ACT to amend the Maltese Citizenship Act, Cap. 188.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title and commencement.

Cap. 188.

1. (1) The short title of this Act is the Maltese Citizenship (Amendment) Act, 2020, and this Act shall be read and construed as one with the Maltese Citizenship Act, hereinafter referred to as "the principal Act".

(2) This Act shall come into force on such date as the Prime Minister may by notice in the Gazette establish, and different dates may be so established for different provisions of this Act.

Amendment of article 3 of the principal Act.

2. Article 3 of the principal Act shall be amended as follows:

(a) in the proviso to sub-article (1) thereof, for the words "born in Malta." there shall be substituted the words "born in Malta:" and immediately thereafter, there shall be added the following new proviso:

"Provided further that the person mentioned in the preceding proviso who proves that he is a descendant in the direct line of an ascendant born in Malta of a parent likewise born in Malta shall be entitled, upon making an application as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta. The provisions of sub-articles

(4), (5) (6) and (7) shall apply *mutatis mutandis*.";

(b) immediately after sub-article (6) thereof, there shall be added the following new sub-article:

"(7) No person shall be registered under this article unless the Minister is satisfied that the grant of citizenship to such person is not contrary to the public interest.".

3. Article 4 of the principal Act shall be amended as follows: Amendment of article 4 of the principal Act.

(a) in sub-article (4) thereof, for the words "article 44(4)(b)" there shall be substituted the words "article 44(4)(a) or (b)"; and

(b) paragraph (b) of sub-article (6) thereof shall be substituted by the following:

"(b) on the date of the application and on the date of registration, such person is still married to a citizen of Malta and still living with him and had been, on the date of application, so married and living with that citizen for at least five years:

Provided that in the case of the widow or widower of a person who was a citizen of Malta, such citizen had at the time of his death been married to that person and living with him or her for at least five years and was still living with him or her at the time of his death, or who, on the date of application, would but for his death, have been married to that person for five years and was on the date of his death living with that person and had so lived since marriage.".

4. Article 5 of the principal Act shall be amended as follows: Amendment of article 5 of the principal Act.

(a) in the third proviso to sub-article (1) thereof, for the words "citizenship is established." there shall be substituted the words "citizenship is established:" and immediately thereafter, there shall be added the following new proviso:

"Provided further that if the person mentioned in the second proviso, has not become a citizen of Malta but proves that he is a descendant in the direct line of an ascendant born in Malta of a parent likewise born in Malta, that person shall be entitled, upon making an application as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta. The provisions of

sub-articles (4), (5), (6) and (8) shall apply *mutatis mutandis;*";

(b) immediately after sub-article (7) thereof shall be added the following new sub-article:

"(8) No person shall be registered under this article unless the Minister is satisfied that the grant of citizenship to such person is not contrary to the public interest.".

Amendment of article 6 of the principal Act.

5. Paragraph (b) of sub-article (2) of article 6 of the principal Act shall be substituted by the following:

"(b) on the date of the application and on the date of registration, such person is still married to a citizen of Malta and still living with him and had been, on the date of application, so married and living with that citizen for at least five years:

Provided that in the case of the widow or widower of a person who was a citizen of Malta, such citizen had at the time of his death been married to that person and living with him or her for at least five years and was still living with him or her at the time of his death, or who, on the date of application, would but for his death, have been married to that person for five years and was on the date of his death living with that person and had so lived since marriage.".

Amendment of article 10 of the principal Act.

6. Sub-article (5) of article 10 of the principal Act shall be substituted by the following:

"(5) Except as otherwise provided in this Act, and in all cases provided for in this article, a person shall not be granted a certificate of naturalisation as a citizen of Malta unless and until he has taken an oath of allegiance in the form specified in the Schedule to this Act.".

Amendment of article 12 of the principal Act.

7. In article 12 of the principal Act, the words "under article 4 or 6 of this Act" shall be deleted.

Amendment of article 14 of the principal Act.

8. Sub-article (3) of article 14 of the principal Act shall be substituted by the following:

"(3) The Minister shall not deprive a person of citizenship under this article unless he is satisfied that it is not contrary to the public interest that, that person continues to be a citizen of Malta and, in the case referred to in sub-article (2)(c), it appears to him that, that person would not thereupon become stateless and in the case of sub-article 2(d) only, if during the period in question it

has been shown that his conduct is seriously prejudicial to the vital interests of Malta or it has emerged that he is a threat to public security or public policy.".

Amendment of article 16 of the principal Act.

9. In article 16 of the principal Act, for the words "any woman" there shall be substituted the words "any person".

Amendment of article 17 of the principal Act.

10. Article 17 of the principal Act shall be amended as follows:

(a) the marginal note thereof shall be substituted by the words "Reference to terms.";

(b) in paragraph (a) of sub-article (1) thereof, for the words "mother of that person;" there shall be substituted the words "mother of that person:" and immediately thereafter, there shall be added the following new proviso:

"Provided that any reference to the father of a person born after the 1st January 2005 shall be construed as a reference to the parent of that person;"; and

(c) in paragraph (b) of sub-article (2) thereof, for the words "ten years" there shall be substituted the words "eighteen years".

Amendment of article 27 of the principal Act.

11. Article 27 of the principal Act shall be amended as follows:

(a) sub-article (2) thereof shall be substituted by the following:

"(2) This Act shall not apply with regard to any application for registration as a citizen of Malta in terms of articles 4 and 6 filed before the 15th day of August, 1999:

Provided that the registration as a citizen of Malta made in terms of articles 4 and 6 prior to the enactment of the Maltese Citizenship (Amendment) Act, 2020 shall not be affected in any way by the provisions of the said Act."; and

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(b) immediately after sub-article (2) thereof as substituted, there shall be added the following new sub-article:

"(3) The acquisition of Maltese citizenship by registration in terms of articles 3 and 5, prior to the enactment of the Maltese Citizenship (Amendment) Act, 2020 shall not be affected by articles 3(7) and 5(8) enacted by the said Act.".

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Passed by the House of Representatives at Sitting No. 316 of the 30th March, 2020.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

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