

SUBSIDIARY LEGISLATION 217.22

CONDITIONS OF ENTRY AND RESIDENCE OF THIRD-COUNTRY NATIONALS FOR THE PURPOSES OF RESEARCH, STUDIES, TRAINING AND VOLUNTARY SERVICE IN THE MOBILITY PROJECT FOR YOUNG PEOPLE: VOLUNTARY PROJECTS REGULATIONS

6th July, 2018

LEGAL NOTICE 212 of 2018, as amended by Act XXIX of 2019.

PART I

General Provisions

1. (1) The title of these regulations is the Conditions of Entry and Residence of Third-Country Nationals for the Purposes of Research, Studies, Training and Voluntary Service in the Mobility Project for Young People: Voluntary Projects Regulations. Citation.

(2) These regulations transpose the provisions of Council Directive 2016/801/EU of 11th May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing except for the optional provisions concerning third country nationals seeking entry and residence for the purposes of:

(a) other voluntary service apart from the Mobility Project for Young People: Voluntary Projects;

(b) pupil exchange schemes or educational projects;
and

(c) *au pairing*:

Provided that the categories of third country nationals that may be admitted into Malta for the purpose mentioned in paragraphs (a), (b) and (c), in addition to any requirements that the Chief Executive Officer together with the pertinent employment and education authorities in Malta shall establish in order that they may so be admitted, shall have comprehensible sickness insurance and adequate resources that enable them to maintain themselves during their authorized stay in Malta.

(3) The scope of these regulations is to lay down: Scope.

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(a) the conditions of entry into, and residence for a period exceeding 90 days in Malta, and the rights of third-country nationals, and where applicable their family members, for the purpose of research, studies, training or voluntary service in the Mobility Project for Young People: Voluntary Projects;

(b) the conditions of entry and residence, and the rights of researchers, and where applicable their family members, and students, referred to in paragraph (a), in Malta, where such third country nationals have been granted an authorisation in an other Member State on the basis of Council Directive 2016/801/EU of 11th May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and *au pairing*.

Interpretation.
Amended by:
XXIX.2019.71.

2. In these regulations, unless the context otherwise requires:

Cap. 217.

"Act" means the Immigration Act;

"authorisation" means a residence permit, or a long-stay visa issued for the purposes of these regulations;

Cap. 217.

"the Board" means the Immigration Appeals Board constituted under article 25A of the Immigration Act;

S.L. 497.07.

"Chief Executive Officer" means the Chief Executive Officer, Identity Management and Ancillary Services responsible for the performance, functions and duties of the Identity Malta Agency in terms of the Identity Malta Agency (Establishment) Order;

"the Council" means the Malta Council for Science and Technology;

Cap. 605.

"education establishment" means a public or private secondary educational establishment, including schools, providers and any other licensed body recognised by Malta or whose programmes of study are recognised in accordance with the Education Act;

"educational project" means a set of educational actions developed by a Maltese educational establishment in cooperation with similar establishments in a third country, with the purpose of sharing cultures and knowledge;

"employer" means any natural person or any legal entity,

for or under the direction or supervision of whom or which the employment is undertaken;

"employment" means the exercise of activities covering any form of labour or work regulated under national law or applicable collective agreements or in accordance with established practice for or under the direction or supervision of an employer;

"family members" means third-country nationals as defined in regulation 4(1) of the Family Reunification Regulations; S.L. 217.06.

"higher education institution" means a provider of non-compulsory formal, non-formal and informal learning or research which serves to obtain a national qualification classified at level 5 of the Malta Qualifications Framework or higher, or a foreign qualification at a comparable level;

"host entity" means a research organisation, a higher education institution, an education establishment, an organisation responsible for a Mobility Project for Young People: Voluntary Projects scheme or an entity hosting trainees to which the third-country national is assigned for the purposes of these regulations and which is located in the territory of Malta, irrespective of its legal form, in accordance with national law;

"Identity Malta Agency" means the Agency established by the Identity Malta Agency (Establishment) Order; S.L. 497.07.

"long-stay visa" means an authorisation issued in accordance with Article 18 of the Schengen Convention;

"Member State" means any State which is a member of the European Union and which is participating in the provisions of the Directive referred to in regulation 1(2);

"Mobility Project for Young People: Voluntary Projects scheme" means a programme of practical solidarity activities, based on a scheme recognised as such by the Union, pursuing objectives of general interest for a non-profit cause, in which the activities are not remunerated, except for reimbursement of expenses and, or pocket money;

"other Member State" means the Member State which first issues an authorisation to a third-country national on the basis of the Directive referred to in regulation 1(2);

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"research" means creative work undertaken on a systematic basis in order to increase the stock of knowledge, including knowledge of man, culture and society, and the use of this stock of knowledge to devise new applications;

"researcher" means a third-country national who holds a doctoral degree or an appropriate higher education qualification which gives that third-country national access to doctoral programmes, who is selected by a research organisation and admitted to Malta for carrying out a research activity for which such qualification is normally required;

"research organisation" means any public or private organisation which conducts research and which has been approved for the purposes of these regulations by the Council in accordance with the procedures the Council may issue from time to time;

"residence permit" means an authorisation issued using the format laid down in Regulation (EC) No 1030/2002 entitling its holder to stay legally in the territory of Malta;

"second Member State" means the Member State to which the third country national moves after being granted authorisation by Malta as an other Member State;

"student" means a third-country national who has been accepted by a higher education institution and is admitted to Malta to pursue as a main activity a full-time course of study leading to a higher education qualification recognised by the Malta Qualifications Recognition Information Centre, including diplomas, certificates or doctoral degrees in a higher education institution, which may cover a preparatory course prior to such education, in accordance with Maltese law, or compulsory training;

"third-country national" means a person who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union;

"trainee" means a third-country national who holds a degree of higher education or is pursuing a course of study in a third country that leads to a higher education degree and who is admitted to the territory of Malta for a training programme for the purpose of gaining knowledge, practice and experience in a professional environment;

"Union or multilateral programmes that comprise mobility measures" means programmes funded by the Union or by Member States promoting mobility of third-country nationals in the Union or in the Member States participating in the respective programmes;

"volunteer" means a third-country national who is admitted to Malta to participate in the Mobility Project for Young People: Voluntary Projects scheme.

3. (1) These regulations shall apply to third-country nationals who apply to be admitted or who have been admitted to Malta for the purpose of, carrying out research, studies, training or voluntary service in the Mobility Project for Young People: Voluntary Projects. Applicability.

(2) These regulations shall not apply to third-country nationals:

(a) who seek international protection or who are beneficiaries of international protection in accordance with the International Protection Act, the Procedural Standards for Granting and Withdrawing International Protection Regulations and the Council Directive 2011/95 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, or who are beneficiaries of temporary protection in accordance with Temporary Protection for Displaced Persons (Minimum Standards) Regulations and Council Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereto; Cap. 420.
S.L. 420.07.

(b) whose expulsion has been suspended for reasons of fact or of law; S.L. 420.05.

(c) who are family members of Union citizens who have exercised their right to free movement within the Union;

(d) who enjoy long-term resident status in a Member State in accordance with the Status of Long-Term Residents (Third Country Nationals) Regulations and Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents; S.L. 217.05.

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(e) who enjoy, together with their family members, and irrespective of their nationality, rights of free movement equivalent to those of citizens of the Union under agreements either between the Union and its Member States and third countries or between the Union and third countries;

S.L. 217.21.

(f) who come to the Union as trainee employees in the context of an intra-corporate transfer under the Conditions of entry and residence of third-country nationals in the Framework of an Intra-Corporate Transfer Regulations and Council Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer;

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(g) who are admitted as highly qualified workers in accordance with the Conditions of Entry and Residence of Third-Country Nationals for the purpose of Highly Qualified Employment Regulations and Council Directive 2009/50/EC of the 25th May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

More favourable provisions.

4. These regulations shall be without prejudice to more favourable provisions of:

(a) bilateral or multilateral agreements concluded between the Union or the Union and its Member States and one or more third countries; or

(b) bilateral or multilateral agreements concluded between Malta and one or more Member States and one or more third countries.

PART II

Conditions for admission Criteria and requirements for admission.

5. (1) The admission of a third-country national under these regulations shall be subject to the verification of documentary evidence, in either the Maltese or the English language, attesting that the third-country national meets:

(a) the general conditions laid down in regulation 7; and

(b) the relevant specific conditions in regulations 8, 11, 12 or 13.

(2) Where all the general conditions and relevant specific

conditions are fulfilled, the third-country national shall be entitled to an authorisation:

Provided that where an authorisation is in the format of a residence permit and all the admission conditions laid down in the regulations have been fulfilled, a visa, where this is required, shall be issued with a view to enabling the person to travel to Malta.

6. Without prejudice to the provisions of these regulations, the pertinent authorities shall determine in accordance with Article 79(5) of the Treaty on the Functioning of the European Union, the volumes of admission of third-country nationals referred to in regulation 3(1) of these regulations:

Volumes of admission.

Provided that, with regard to students, the pertinent authorities may either consider an application for authorisation to be inadmissible, or rejected, if it is considered that students are or will be in an employment relationship.

7. (1) A third country national applying for admission under these regulations shall submit the following documents to the Chief Executive Officer:

General Conditions.

(a) a valid travel document and, if required, an application for a visa or a valid visa or, where applicable, a valid residence permit or a valid long-stay visa; the period of validity of the travel document shall cover at least the duration of the planned stay;

(b) if the applicant is a minor, a parental authorisation or an equivalent document for the planned stay;

(c) evidence that he has applied for sickness insurance for all risks normally covered for Maltese nationals which shall be valid for the duration of the planned stay;

(d) evidence that any fee that may be applicable has been paid;

(e) evidence that during the planned stay, the applicant will have sufficient resources to cover subsistence costs without having recourse to the national social assistance system in Malta as well as return travel costs:

Provided that the assessment of the sufficient resources shall be based on an individual examination of the case and shall take into account resources that derive, *inter alia*, from a grant, a scholarship or a fellowship, a valid work

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contract or a binding job offer or a financial undertaking by an entity hosting trainees or a Mobility Project for Young People: Voluntary Projects scheme organisation:

Provided further that the provisions of paragraphs (c), (d) and (e) shall not apply to a researcher hosted by an approved research organisation in terms of regulation 9 where these conditions would have been agreed to between the host research organisation and the researcher and included in the host agreement.

(2) The applicant may be required to provide the address of his principal place of residence in Malta:

Provided that, if the applicant cannot provide his future address at the time of application, the Chief Executive Officer shall accept a temporary address and the applicant shall provide his permanent address before the issuance of an authorisation pursuant to regulation 15.

(3) The Chief Executive Officer may indicate a reference amount which he regards as constituting 'sufficient resources' as referred to in sub-regulation (1)(e). The assessment of the sufficient resources shall be based on an individual examination of the case.

(4) The application shall be submitted and examined either when the applicant concerned is residing outside Malta or when the applicant is residing in Malta as holder of a valid residence permit or long-stay visa:

Provided that the Chief Executive Officer may accept an application submitted when the applicant concerned is not in possession of a valid residence permit or long-stay visa but is legally present in Malta.

(5) The application shall be submitted by the third country national and endorsed by the host entity.

(6) A third-country national who is considered to pose a threat to public policy, public security or public health shall not be admitted.

Specific conditions
for researchers.

8. (1) Without prejudice to the general conditions laid down in regulation 7, a third-country national submitting an application for admission for the purpose of research shall present a hosting agreement, which shall specify the legal relationship and working conditions of the researcher, duly signed by the researcher and the

research organisation, provided that:

(a) the research project has been accepted by the relevant authorities in the research organisation, after the said authorities have examined the purpose, the duration of the research, the availability of the necessary financial resources for it to be carried out and the researcher's qualifications, in the light of the research objectives, which qualifications should be evidenced by a certified copy of his qualification;

(b) the research organisation has made a declaration of its financial responsibility, which shall end, at the latest six months after the termination of the hosting agreement, stating that where the researcher remains illegally in Malta, the said organisation shall be responsible for reimbursing the costs related to his stay and return, if such expenses are incurred by the Government of Malta:

Provided that, where the right of residence of the researcher is extended in accordance with regulation 22, the responsibility of the research organisation referred to in sub-regulation (1)(b) shall be limited until the starting date of the residence permit for the purpose of job-searching or entrepreneurship.

9. (1) A research organisation wishing to host a researcher under the terms laid down in these regulations, shall be approved for that purpose by the Council in accordance with procedures established by it.

Approval of
research
organisations.

(2) The approval given by the Council under sub-regulation (1) shall be valid for a minimum period of five years; in exceptional cases approval shall be given for a shorter period.

(3) In January of each year, the Council shall publish a list of research organisations approved for the purposes of these regulations in the Government Gazette and on the official website of the Council.

(4) The Council may refuse to renew or may withdraw the approval of the research organisation:

(a) which no longer meets the conditions laid down by the Council for the purposes of sub-regulation (1), the provisions of regulation 8(1)(b) or the provisions of regulation 10(8); or

(b) which fails to provide to the Council, within two months of the date of expiry of the hosting agreement referred

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to in regulation 10 with confirmation that the work has been carried out for each of the research projects in respect of which a hosting agreement has been signed; or

(c) in cases where the approval has been fraudulently acquired; or

(d) where the said research organisation has signed a hosting agreement with a third-country national fraudulently or negligently.

(5) Where approval for a research organisation has been refused or withdrawn for the reasons stated in sub-regulation (4), such organisation shall not reapply for approval for a period to be determined by the Council which period shall not exceed five years from the date of the notification of the decision on non-renewal or withdrawal.

Hosting
agreement.

10. (1) A research organisation wishing to host a researcher shall sign a hosting agreement with such researcher in accordance with procedures laid down by Identity Malta Agency in consultation with the Council and subject to the conditions of regulation 8 whereby the researcher undertakes to complete the research project and the organisation undertakes to host the researcher for that purpose.

(2) Agreements containing the elements referred to in sub-regulation (3) and, where applicable, in sub-regulation (4), shall be considered equivalent to hosting agreements for the purpose of these regulations.

(3) The hosting agreement shall contain:

(a) the title or purpose of the research activity or the research area;

(b) an undertaking by the third-country national to endeavour to complete the research activity;

(c) an undertaking by the research organisation to host the third-country national for the purpose of completing the research activity;

(d) the start and end date or the estimated duration of the research activity;

(e) information on the intended mobility in one or several second Member States if the mobility is known at the

time of application in Malta.

(4) The hosting agreement may also contain:

(a) information on the legal relationship between the research organisation and the researcher;

(b) information on the working conditions of the researcher.

(5) Research organisations may sign hosting agreements only if the research activity has been accepted by the said organisation, after examination of:

(a) the purpose and estimated duration of the research activity, and the availability of the necessary financial resources for it to be carried out; and

(b) the third-country national's qualifications in the light of the research objectives, as evidenced by a certified copy of the qualifications.

(6) The hosting agreement shall automatically lapse when the researcher is not admitted to Malta or when the legal relationship, provided for in regulation 8, between the researcher and the research organisation is terminated.

(7) Research organisations shall promptly inform Identity Malta Agency and the Council of any occurrence likely to prevent implementation of the hosting agreement.

(8) Within two months of the date of expiry of the hosting agreement, the research organisation shall provide the Council with confirmation that the research activity has been carried out.

(9) When the approval of an existing hosting agreement is withdrawn or its renewal is refused, the research organisation may lodge an appeal with the Board. The researcher shall be authorised to remain in Malta pending the decision of the Board in his regard.

11. (1) In addition to the general conditions laid down in regulation 7, a third-country national submitting an application for admission for the purpose of studies, shall provide evidence that:

Specific conditions
for students.

(a) he has been accepted by a higher education institution to follow a course of study;

(b) the fees charged by the higher education institution have been paid;

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(c) he has sufficient knowledge of the language of the course to be followed;

(d) he will have sufficient resources to cover the study costs.

(2) Third-country nationals who automatically qualify for sickness insurance for all risks normally covered for Maltese nationals, as a result of enrolment at a higher education institution, shall be presumed to meet the condition laid down in regulation 7(1)(c).

(3) The applicant shall be exempted from presenting one or more documents or evidence referred to in sub-regulations (1) (b), (1) (c) or (1)(d), or regulation 7(1)(d) or (2), where he is to be hosted by a higher education institution which has been approved in terms of regulation 14.

Specific conditions
for trainees.

12. (1) In addition to the general conditions laid down in regulation 7, a third-country national submitting an application for admission for the purpose of training, shall:

(a) present a training agreement which provides for theoretical and practical training with a host entity. The Chief Executive Officer may require the approval of such training agreement by the authority responsible for employment and the pertinent education authorities and verify that the terms upon which the agreement has been based meet the requirements established in the law, collective agreements or practices. The training agreement shall contain:

(i) a description of the training programme, including the educational objective or learning components;

(ii) the duration of the traineeship;

(iii) the placement and supervision conditions of the traineeship;

(iv) the traineeship hours; and

(v) the legal relationship between the trainee and the host entity;

(b) provide evidence of having obtained a higher education degree within the two years preceding the date of application or of pursuing a course of study that leads to a higher education degree;

(c) provide evidence that during the stay he will have sufficient resources to cover the training costs;

(d) provide evidence that he has received or will receive language training so as to acquire the knowledge needed for the purpose of the traineeship;

(e) provide evidence that the host entity accepts responsibility for him throughout his stay in territory of Malta, in particular as regards subsistence and accommodation costs;

(f) provide evidence that if he will be accommodated throughout the stay by the host entity, the accommodation meets the conditions in accordance with the provisions of the law.

(2) The traineeship shall be in the same field and at the same qualification level as the higher education degree or the course of study referred to in sub-regulation (1)(b).

(3) The Chief Executive Officer shall require the host entity to substantiate that the traineeship does not replace a job.

(4) The Chief Executive Officer shall require a written undertaking from the host entity stating that, in the event that a trainee remains illegally in the territory of Malta, that host entity shall be responsible for reimbursing the costs related to the stay and return of the trainee incurred by public funds. The financial responsibility of the host entity shall end at the latest six months after the termination of the training agreement.

13. In addition to the general conditions laid down in regulation 7, a third-country national applying for admission for the purpose of voluntary service participating in the Mobility Project for Young People: Voluntary Projects, shall:

Specific conditions
for volunteers
participating in the
Mobility Project
for Young People:
Voluntary Projects.

(a) provide an agreement with the host entity or, another body responsible for the voluntary service scheme in which he is participating. The agreement shall contain:

(i) a description of the voluntary service scheme;

(ii) the duration of the voluntary service;

(iii) the placement and supervision conditions of the voluntary service;

(iv) the volunteering hours;

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(v) the resources available to cover his subsistence and accommodation costs and a minimum sum of money as pocket money throughout the stay; and

(vi) where applicable, the training he will receive to help perform the voluntary service;

(b) provide evidence that if he is accommodated throughout the stay by the host entity, the accommodation meets the conditions as required by law.

Approval of higher education institutions, education establishments, organisations responsible for a voluntary service scheme or entities hosting trainees.

14. (1) For the purposes of these regulations, the pertinent education authorities shall establish a quality label for higher education institutions, education establishments, organisations responsible for a voluntary service scheme or entities hosting trainees.

(2) The quality label shall be in accordance with the procedures set out in administrative practice.

(3) When a quality label procedure has been established in accordance with sub-regulations (1) and (2), it shall provide clear and transparent information to the host entities concerned, about, *inter alia*, the conditions and criteria for obtaining a quality label, its period of validity, the consequences of non-compliance, including possible withdrawal and non-renewal, as well as any sanction applicable.

PART III

Authorisations and Duration of Residence Authorisations.

15. (1) When the authorisation is in the form of a residence permit, the Chief Executive Officer shall use the format laid down in Regulation (EC) No 1030/2002 and shall enter the term ‘researcher’, ‘student’, ‘trainee’ or ‘volunteer’ on the residence permit.

(2) When the authorisation is in the form of a long-stay visa, the authorities responsible for the issuance of visas shall enter a reference stating that it is issued to the ‘researcher’, ‘student’, ‘trainee’ or ‘volunteer’ under the heading ‘remarks’ on the visa sticker.

(3) For researchers and students coming to the Union in the framework of a specific Union or multilateral programme that comprises mobility measures, or an agreement between two or more recognised higher education institutions, the authorisation shall make a reference to that specific programme or agreement.

(4) When the authorisation for long-term mobility is issued to a researcher in the form of a residence permit, the Chief Executive Officer shall use the format laid down in Regulation (EC) No 1030/

2002 and enter 'researcher-mobility' on the residence permit.

(5) When the authorisation for long-term mobility is issued to a researcher in the form of a long-stay visa, the authorities responsible for the issuance of visas shall enter 'researcher-mobility' under the heading 'remarks' on the visa sticker.

16. (1) The period of validity of an authorisation for researchers shall be at least one year, or for the duration of the hosting agreement where this is shorter and the authorisation shall be subject to a renewal unless this is excluded as provided in regulation 18:

Duration of
authorisation.

Provided that the duration of the authorisation for researchers who are covered by Union or multilateral programmes that comprise mobility measures shall be at least two years or for the duration of the hosting agreement where this is shorter:

Provided further that if the general conditions laid down in regulation 7 are not met for the two years or for the whole duration of the hosting agreement, the first paragraph of this sub-regulation shall apply. The Chief Executive Officer shall retain the right to verify that the grounds for withdrawal set out in regulation 18 do not apply.

(2) The period of validity of an authorisation for students shall be at least one year, or for the duration of studies, where this is shorter and the authorisation shall be subject to a renewal unless this is excluded as provided in regulation 18:

Provided that the duration of the authorisation for students who are covered by Union or multilateral programmes that comprise mobility measures or by an agreement between two or more higher education institutions shall be at least two years, or for the duration of their studies, where this is shorter:

Provided further that if the general conditions laid down in regulation 7 are not met for the two years or for the whole duration of the studies, the first paragraph of this sub-regulation shall apply. The Chief Executive Officer shall retain the right to verify that the grounds for withdrawal set out in regulation 18 do not apply.

(3) The Chief Executive Officer may determine that the total time of residence for studies may not exceed the maximum duration of studies that may be provided in national law.

(4) The period of validity of an authorisation for trainees shall be for the duration of the training agreement where this is shorter than six months, or for a maximum of six months:

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Provided that if the duration of the agreement is longer than six months, the duration of the validity of the authorisation may correspond to the period concerned subject to approval by the pertinent education authorities. The Chief Executive Officer, in consultation with the pertinent education authorities, may decide to allow the renewal of the authorisation once, for the period necessary to complete the traineeship if the provisions of regulation 18 do not apply.

(5) The period of validity of an authorisation for volunteers shall be for the duration of the agreement referred to in regulation 13(a) if this period is shorter than one year or for the maximum period of one year:

Provided that if the period of validity of an authorisation for volunteers is longer than one year, the duration of the validity of the authorisation may correspond to the period concerned subject to approval by the pertinent education authorities. The Chief Executive Officer, in consultation with the pertinent education authorities, may decide to allow the renewal of the authorisation once, for the period necessary to complete the voluntary service if the provisions of regulation 18 do not apply.

(6) The Chief Executive Officer or the authorities responsible for the issuance of visas may determine that, in case the validity of the travel document of the third-country national concerned is shorter than one year or shorter than two years in the cases referred to in sub-regulations (1) and (2), the period of validity of the authorisation shall not exceed the period of validity of the travel document.

(7) Where the pertinent authorities allow entry and residence during the first year on the basis of a long stay visa, the application to the Chief Executive Officer for the residence permit shall be submitted before the expiry of the long-stay visa, and the residence permit shall be issued if the provisions of regulation 18 do not apply.

PART IV

Grounds for rejection, withdrawal or non-renewal of authorisations

Grounds for
rejection.

17. (1) The Chief Executive Officer shall reject an application where:

(a) the general conditions laid down in regulation 7 or the relevant specific conditions laid down in regulations 8, 11, 12 or 13 are not met;

(b) the documents presented have been fraudulently acquired, or falsified, or tampered with;

(c) the host entity is not approved;

(d) the Chief Executive Officer has evidence or serious and objective grounds to establish that the third-country national would reside for purposes other than those for which he applied to be admitted.

(2) An application may be rejected where:

(a) the host entity or another body as referred in regulation 13(a), has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;

(b) where applicable, the terms of employment as provided for in the law or collective agreements or practices in Malta are not met by the host entity that will employ the third-country national;

(c) the host entity or another body as referred to in regulation 13(a), has been sanctioned in accordance with the law for undeclared work or illegal employment;

(d) the host entity was established or operates for the main purpose of facilitating the entry of third-country nationals falling under the scope of these regulations;

(e) the host entity's business is being or has been wound up in accordance with the provisions of the Companies Act or if no economic activity is taking place.

Cap. 386.

(3) Where a third-country national applies to be admitted to enter into an employment relationship in Malta, the authorities responsible for employment may verify whether the post in question could be filled by Maltese nationals or by other Union citizens, or by third-country nationals lawfully residing in Malta, in which case, the Chief Executive Officer may reject the application. This provision shall apply without prejudice to the principle of preference of Union citizens as expressed in the relevant provisions of the Treaty of Accession.

(4) Without prejudice to sub-regulation (1), any decision to reject an application shall take account of the specific circumstances of the case and the principle of proportionality.

18. (1) The Chief Executive Officer shall withdraw or, where applicable, refuse to renew an authorisation where:

Grounds for withdrawal or non-renewal of an authorisation.

(a) the third-country national no longer meets the

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general conditions laid down in regulation 7, except for regulation 7(6), or the relevant specific conditions laid down in regulations 8, 11, 12 or 13, or the conditions laid down in regulation 16;

(b) the authorisation or the documents presented have been fraudulently acquired, or falsified, or tampered with;

(c) the host entity is not approved;

(d) the third-country national is residing for purposes other than those for which he was authorised to reside.

(2) The Chief Executive Officer may withdraw or refuse to renew an authorisation where:

(a) the host entity or another body as referred to in regulation 13 (a), has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;

(b) where applicable, the terms of employment as provided for in national law or collective agreements or practices in Malta are not met by the host entity employing the third-country national;

(c) the host entity or another body as referred to in regulation 13(a), has been sanctioned in accordance with national law on undeclared work or illegal employment;

(d) the host entity was established or operates for the main purpose of facilitating the entry of third-country nationals falling under the scope of these regulations;

(e) where applicable, the host entity's business is being or has been wound up in accordance with the provisions of the Companies Act or no economic activity is taking place;

(f) with regard to students, the time limits imposed on access to economic activities under regulation 21 are not respected or a student does not make sufficient progress in the relevant studies.

(3) With regard to withdrawal of authorisation, when assessing the lack of progress in the relevant studies, as referred to in sub-regulation (2)(f), the Chief Executive Officer shall consult with the host entity.

(4) The Chief Executive Officer shall withdraw or refuse to renew an authorisation for reasons of public policy, public security or public health.

(5) Where a third-country national applies for renewal of the authorisation to enter into or continue to be in an employment relationship in Malta, with the exception of a researcher who continues the employment relationship with the same host entity, the Chief Executive Officer may verify with the authorities responsible for employment whether the post in question could be filled by Maltese nationals or by other Union citizens, or by third-country nationals who are long-term residents in Malta, in which case he may refuse to renew the authorisation. This provision shall apply without prejudice to the principle of preference for Union citizens as provided in the relevant provisions of the Treaty of Accession.

(6) Where the Chief Executive Officer intends to withdraw or refuse to renew the authorisation of a student in accordance with sub-regulation (2)(a), (c), (d) or (e), the student shall be allowed to submit an application to be hosted by a different higher education institution for an equivalent course of study with a view to enabling the completion of studies.

(7) The student referred to in sub-regulation (6) shall be allowed to stay in of Malta until the Chief Executive Officer has taken a decision on the application.

(8) Without prejudice to sub-regulation (1), any decision to withdraw or refuse to renew an authorisation shall take account of the specific circumstances of the case and respect the principle of proportionality.

PART V

Rights

19. (1) Researchers shall be entitled to equal treatment as Maltese nationals as provided for in regulation 23 of the Single Application Procedure for a Single Permit as Regards Residence and Work and a Common Set of Rights for Those Third-Country Workers Legally Residing in Malta Regulations.

Equal treatment.

S.L. 217.17.

(2) For the purpose of this regulation, equal treatment shall be restricted as regards:

(a) study and maintenance grants and loans or other grants and loans;

(b) the granting family benefits to researchers who

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have been authorised to reside in Malta for a period not exceeding six months;

(c) the limitation of the said regulation 23 to cases where the registered or usual place of residence of the family members of the researcher for whom he or she claims benefits lies in the territory of Malta;

(d) access to housing.

S.L. 217.17.

(3) Trainees and volunteers, when they are considered to be in an employment relationship in Malta, and students, shall be entitled to equal treatment with nationals of Malta as provided for in regulation 23 of the Single Application Procedure for a Single Permit as Regards Residence and Work and a Common Set of Rights for Those Third-Country Workers Legally Residing in Malta Regulations subject to the restrictions provided for in the said regulation.

(4) Trainees and volunteers, when they are not considered to be in an employment relationship in Malta, shall be entitled to equal treatment in relation to access to goods and services and the supply of goods and services made available to the public, as well as, where applicable, in relation to recognition of diplomas, certificates and other professional qualifications in accordance with relevant national procedures, except access to housing and equal treatment in relation to services provided by public employment offices.

Teaching by
researchers.
Cap. 327.

20. The researcher may carry out teaching activities in accordance with guidelines issued by the Council of the Teaching Professions set up by virtue of the Education Act.

Economic
activities by
students.

21. (1) Outside his study time, a student shall be entitled to be employed and may be entitled to exercise self-employed economic activity, subject to the rules and conditions applicable to the relevant activity in Malta as well as to the limitations provided for in sub-regulation (2):

Provided that such student is in possession of an employment licence issued in terms of article 11(3) of the Act.

(2) The authorities responsible for employment, in consultation with the education authorities and the Chief Executive Officer, shall determine, following the examination of the labour market situation, the maximum number of hours per week or days or months per year allowed for such an activity, which shall not be less than 15 hours per week, or the equivalent in days or months per year.

22. (1) After the completion of the research or studies, researchers and students shall have the possibility to stay in Malta, on the basis of the residence permit referred to in sub-regulation (2), for a period of at least nine months in order to seek employment or set up a business:

Stay for the purpose of job-searching or entrepreneurship for researchers and students.

Provided that the authorities responsible for education and employment in consultation with the Chief Executive Officer and may decide to set a minimum level of qualification that students shall have obtained in order to benefit from this possibility which level shall not be higher than level 7 of the European Qualifications Framework.

(2) For the purpose of stay referred to in sub-regulation (1), the Chief Executive Officer shall, upon an application by the researcher or the student, issue a residence permit to that third-country national in accordance with Regulation EC No 1030/2002 where the conditions laid down in regulation 7(1) (a), (c), (d) and (e), regulation 7(6) and, where applicable, in regulation 7(2) are still fulfilled.

(3) For researchers, the Chief Executive Officer shall require a confirmation by the research organisation of the completion of the research activity or, for students, evidence of having obtained a higher education diploma, certificate or other evidence of formal qualifications.

(4) The residence permit referred to in this regulation, shall be renewed provided that the conditions referred to in regulation 23, have been complied with.

(5) The Chief Executive Officer may reject an application under this regulation where:

(a) the conditions laid down in sub-regulation (2) and, where applicable, sub-regulations (1) and (6) are not met; and

(b) the documents presented have been fraudulently acquired, or falsified, or tampered with.

(6) Applications of the researcher or the student and, where applicable, the members of the researcher's family under this regulation, shall be submitted at least 30 days before the expiry of the authorisation issued under regulations 15 and 23.

(7) If the evidence of having obtained a higher education diploma, certificate or other evidence of formal qualifications or the confirmation by the research organisation of the completion of the research activity are not available before the expiry of the

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authorisation issued under regulation 15, and all other conditions are fulfilled, the Chief Executive Officer shall allow the third-country national to stay in Malta in order to submit such evidence within a reasonable time.

(8) After a minimum of three months from the issuance of the residence permit under this regulation, the Chief Executive Officer shall require a third-country national to prove that he has a genuine chance of being engaged or of launching a business.

(9) If the conditions provided for in sub-regulations (2), (3) or (8) are no longer fulfilled, the Chief Executive Officer may withdraw the residence permit of the third-country national and, where applicable, his family as provided for in the law.

(10) The provisions of this regulation shall apply to researchers and, where applicable, to the members of the family of the researcher, or students, who reside or have resided in Malta in accordance with the provisions of regulations 25, 26, 27 or 28.

Researchers'
family members.
S.L. 217.06.

23. For the purpose of allowing the family members of the researcher to join him in Malta the Family Reunification Regulations, shall apply. Notwithstanding this:

S.L. 217.06.

(a) by way of derogation from the provisions of regulations 3(1) and 13 of the Family Reunification Regulations, the granting of a residence permit to family members shall not be made dependent on the requirement of the researcher having reasonable prospects of obtaining the right of permanent residence and having a minimum period of residence;

S.L. 217.06.

(b) by way of derogation from the provisions of regulations 4(1) and (2) and 14(3) of the Family Reunification Regulations the integration conditions and measures referred to therein may only be applied after the persons concerned have been granted a residence permit;

S.L. 217.06.

(c) by way of derogation from the provisions of regulation 9 of the Family Reunification Regulations, residence permits for family members shall be granted by the Chief Executive Officer if the conditions for family reunification are fulfilled, within ninety days from the date on which the complete application was submitted. The Chief Executive Officer shall process the application for the family members at the same time as the application for admission or for long-term mobility of the researcher, in case where the application for the family members is submitted at the same time. The residence

permit for family members shall be granted only if the researcher is issued an authorisation under regulation 15;

(d) by way of derogation from the provisions of regulation 14(2) of the Family Reunification Regulations, the duration of validity of residence permit of family members shall end, as a general rule, on the date of expiry of the authorisation of the researcher. This shall include, where applicable, authorisations issued to the researcher for the purpose of job-searching or entrepreneurship in accordance with regulation 22. The Chief Executive Officer may require the period of validity of the travel documents of family members to cover at least the duration of the planned stay; S.L. 217.06.

(e) by way of derogation from the provisions of regulation 15(b) of the Family Reunification Regulations, the pertinent authorities shall not apply any time limit in respect of access for family members to the labour market, including those who have exercised long-term mobility from another Member State, except in exceptional circumstances such as particularly high levels of unemployment. S.L. 217.06.

PART VI

Mobility between Member States

24. (1) A third-country national who holds a valid authorisation issued by the other Member State for the purpose of studies in the framework of a Union or multilateral programme that comprises mobility measures or in the framework of an agreement between two or more higher education institutions, or for the purpose of research, may enter and stay in Malta in order to carry out part of the studies or research on the basis of that authorisation and a valid travel document under the conditions laid down in regulations 25, 26 and 28 and subject to regulation 29. Intra-EU mobility.

(2) During the mobility referred to in sub-regulation (1), researchers may, in addition to research activities, teach and students may, in addition to their studies, work, in accordance with the conditions laid down in regulations 20 and 21 respectively.

(3) When a researcher moves to Malta in accordance with regulations 25 or 26, family members holding a residence permit issued in accordance with regulation 23 and accompanying the researcher, shall be authorised to move to Malta with the researcher in the framework of the researcher's mobility under the conditions laid down in regulation 27.

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Short-term
mobility of
researchers.

25. (1) A researcher who holds a valid authorisation issued by the other Member State shall be entitled to stay in Malta in order to carry out part of his research in any research organisation for a period of up to 180 days in any 360-day period, subject to the conditions laid down in this regulation.

(2) (a) the research organisation in Malta shall notify the Chief Executive Officer and the Council, after the researcher has notified the competent authorities of the other Member State, of the intention of the researcher to carry out part of the research in Malta;

(b) in such cases:

(i) if at the time of application in the other Member State, the mobility to Malta is already envisaged at that stage, the notification shall take place at such time;

(ii) if the intended mobility to Malta, is known, after the researcher was admitted in the other Member State, the notification shall take place as soon as the intended mobility is known.

(3) Where the notification has taken place in accordance with sub-regulation (2)(b)(i), and where the Chief Executive Officer has not raised any objection with the other Member State in accordance with sub-regulation (7), the researcher may proceed to Malta at any moment within the period of validity of the authorisation.

(4) Where the notification has taken place in accordance with sub-regulation (2)(b)(ii), the mobility may be initiated immediately after the notification to the Chief Executive Officer or at any moment thereafter within the period of validity of the authorisation.

(5) The notification shall include the valid travel document, as provided for in regulation 7(1)(a), and the valid authorisation issued by the other Member State covering the period of the mobility.

(6) The notification to the Chief Executive Officer shall include the transmission of the following documents and information:

(a) the hosting agreement in the other Member State as referred to in regulation 10 as well as a hosting agreement concluded with the research organisation in Malta;

(b) where not specified in the hosting agreement, the planned duration and dates of the mobility;

(c) evidence that the researcher has sickness insurance

for all the risks normally covered for Maltese nationals as provided for in regulation 7(1) (c);

(d) evidence that during the stay the researcher will have sufficient resources to cover subsistence costs without having recourse to the social assistance system in Malta, as provided for in regulation 7(1) (e), as well as the travel costs to the other Member State in the cases referred to in regulation 30(2):

Provided that, the Chief Executive Officer shall require the research organisation to provide, before the start of mobility, the address of the researcher in Malta:

Provided further that the research organisation shall present the documents in either the Maltese or the English language and if such documents are not in the Maltese or the English language, a translation thereof shall be submitted.

(7) Within 30 days from the day of receipt of the complete notification referred to in sub-regulation (2), the Chief Executive Officer may object to the mobility of the researcher to Malta where:

(a) the conditions set out in sub-regulation (5) or, where applicable, sub-regulation (6) are not complied with;

(b) one of the grounds for rejection set out in regulation 17(1)(b) or (c) or regulation 17(2) applies;

(c) the maximum duration of stay as referred to in sub-regulation (1) has been reached.

(8) A researcher who is considered to pose a threat to public policy, public security or public health shall not be allowed to enter or to stay in Malta.

(9) The Chief Executive Officer shall, without delay, inform the competent authorities of the other Member State and the research organisation, in writing, of his objection, if any, to the mobility. Where the Chief Executive Officer objects to the mobility in accordance with sub-regulation (7) and the mobility has not yet taken place, the researcher shall not be allowed to carry out part of the research in the research organisation in Malta. Where the mobility has already taken place, regulation 29(3) or regulation 30(2) or (3) shall apply.

(10) After the period of objection referred to in sub-regulation (7) has expired, the Chief Executive Officer shall issue a document to the researcher attesting that he is entitled to stay in Malta and enjoy the

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Long-term
mobility of
researchers.

rights provided for in these regulations.

26. (1) In relation to a researcher who holds a valid authorisation issued by the other Member State and who intends to stay in order to carry out part of his research in any research organisation in Malta as a second Member State, for more than 180 days, the Chief Executive Officer shall apply the procedure provided for in sub-regulations (2) to (7):

Provided that the long-term mobility of a researcher shall not be less than 360 days.

(2) When an application for long-term mobility is submitted:

(a) the researcher shall submit the following documents:

(i) a valid travel document, as provided for in regulation 7(1)(a), and a valid authorisation issued by the other Member State;

(ii) evidence that the researcher has sickness insurance for all the risks normally covered for Maltese nationals as provided for in regulation 7(1) (c);

(iii) evidence that during the stay the researcher will have sufficient resources to cover subsistence costs without having recourse to the social assistance system in Malta, as provided for in regulation 7(1)(e), as well as the travel costs to the other Member State in the cases referred to in regulation 30(2) or (3);

(iv) the hosting agreement in the other Member State as referred to in regulation 10 or if the Chief Executive Officer so requires, a hosting agreement concluded with the research organisation in Malta;

(v) where not specified in any of the documents presented by the applicant, the planned duration and dates of the mobility;

(vi) the address of the researcher in Malta:

Provided that where the address is not available at the time of the application for mobility, and the researcher does not yet know his future address, the Chief Executive Officer shall accept a temporary address. In such a case, the researcher shall provide his permanent

address at the latest at the time of the issuance of the authorisation for long-term mobility:

Provided further that the applicant shall present the documents in the Maltese or English language and if such documents are not in the Maltese or the English language, a translation thereof shall be submitted;

(b) the Chief Executive Officer shall take a decision on the application for long-term mobility and notify the decision to the applicant in writing as soon as possible, but not later than 90 days from the date on which the complete application was submitted to him;

(c) the Chief Executive Officer shall not require the applicant to submit his application for long-term mobility from outside the European Union or impose a visa requirement;

(d) the researcher shall be allowed to proceed to Malta to carry out part of the research in the research organisation in Malta until a decision on the application for long-term mobility has been taken, provided that:

(i) neither the period referred to in regulation 25(1) nor the period of validity of the authorisation issued by the other Member State have expired; and

(ii) the complete application has been submitted to the Chief Executive Officer at least 30 days before the long-term mobility of the researcher starts;

(e) an application for long-term mobility may not be submitted at the same time as a notification for short-term mobility. Where the need for long-term mobility arises after the short-term mobility of the researcher has started, the application for long-term mobility shall be submitted at least 30 days before the short-term mobility ends.

(3) The Chief Executive Officer shall reject an application for long-term mobility where:

(a) the conditions set out in sub-regulation (2)(a) are not complied with;

(b) one of the grounds for rejection set out in regulation 17, with the exception of sub-regulation (1)(a) of that regulation applies;

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(c) the researcher's authorisation in the other Member State expires during the procedure; or

(d) where applicable, the maximum duration of stay referred to in sub-regulation (1) has been reached.

(4) A researcher who is considered to pose a threat to public policy, public security or public health shall not be allowed to enter or to stay in Malta.

(5) Where the Chief Executive Officer takes a positive decision on the application for long-term mobility as referred to in sub-regulation (2), the researcher shall be issued an authorisation in accordance with regulation 15(4) and the Chief Executive Officer shall inform the competent authorities of the other Member State that such authorisation is issued.

(6) The Chief Executive Officer shall withdraw the authorisation for long-term mobility where:

(a) the conditions set out in sub-regulation (2)(a) or in sub-regulation (4) are not or are no longer complied with; or

(b) one of the grounds of withdrawal of an authorisation, as set out in regulation 18, with the exception of sub-regulation (1)(a), sub-regulation (2)(f) and sub-regulations (3),(5) and (6) of that regulation applies.

(7) When taking a decision on long-term mobility, the proviso to sub-regulation (1) and sub-regulations (2), (3), (4) and (5) of regulation 31 shall apply.

Mobility of
researchers' family
members.

27. (1) A family member of a researcher who holds a valid residence permit issued by the other Member State shall be entitled to enter, and stay in, Malta in order to accompany the researcher.

(2) In relation to a family member of a researcher to whom the provisions of regulation 25 apply, the following documents and information shall be submitted to the Chief Executive Officer in the Maltese or English language:

(a) the documents and information required under regulation 25(5) and (6)(b), (c) and (d) relating to the family member accompanying the researcher;

(b) evidence that the family member has resided as a member of the family of the researcher in the other Member State in accordance with regulation 23:

Provided that the Chief Executive Officer may object to the mobility of the family member where the conditions set out in sub-regulation (1) are not complied with and, in such case, the provisions of regulation 25(7)(b) and (c) and (9) shall apply to those family members accordingly.

(3) In relation to a family member of a researcher to whom the provisions of regulation 26 apply, an application shall be submitted by the researcher or by the family members of the researcher to the Chief Executive Officer. The Chief Executive Officer shall require the transmission of the following documents and information in relation to the family members:

(a) the documents and information required under regulation 26(2)(a) (i), (ii), (iii) and (v) relating to the family members accompanying the researcher;

(b) evidence that the family member has resided as a member of the family of the researcher in the other Member State in accordance with regulation 23.

(4) The Chief Executive Officer may require the applicant to present the documents in the Maltese or English language.

(5) The Chief Executive Officer may reject the application for long-term mobility of the family member where the conditions set out in sub-regulation (3) are not complied with. Regulation 26(2)(b) and (c), (3)(b), (c) and (d), (5), (6) (b) and (7) shall apply to those family members accordingly.

(6) The validity of the authorisation for long-term mobility of the family members shall, as a general rule, end on the date of expiry of the researcher's authorisation issued by the Chief Executive Officer.

(7) The authorisation for long-term mobility of family members may be withdrawn or its renewal refused if the authorisation for long-term mobility of the researcher they are accompanying is withdrawn or its renewal refused and they do not enjoy any autonomous right of residence.

(8) A family member who is considered to pose a threat to public policy, public security or public health shall not be allowed to enter or to stay in Malta.

28. (1) A student who holds a valid authorisation issued by the other Member State and who is covered by a Union or multilateral programme that comprises mobility measures or by an

Mobility of students.

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agreement between two or more higher education institutions shall be entitled to enter and stay in Malta in order to carry out part of his studies in a higher education institution for a period up to 360 days subject to the conditions laid down in sub-regulations (3) to (11).

(2) A student who is not covered by a Union or multilateral programme that comprises mobility measures or by an agreement between two or more higher education institutions shall submit an application for an authorisation to enter and stay in Malta in order to carry out part of the studies in a higher education institution in accordance with regulations 7 and 11.

(3) The higher education institution in Malta shall notify the Chief Executive Officer, after the student has notified the competent authorities of the other Member State, of the intention of the student to carry out part of the studies in the higher education institution in Malta. In such cases, the Chief Executive Officer shall allow the notification to take place either:

(a) at the time of the application in the other Member State, where the mobility to Malta is already envisaged at that stage; or

(b) after the student was admitted to the other Member State, as soon as the intended mobility to Malta is known.

(4) Where the notification has taken place in accordance with sub-regulation (3)(a), and where the Chief Executive Officer has not raised any objection in writing with the other Member State in accordance with sub-regulation (8), the mobility of the student to Malta may take place at any moment within the period of validity of the authorisation.

(5) Where the notification has taken place in accordance with sub-regulation (3)(b) and where the Chief Executive Officer has not raised any objection in writing to the mobility of the student, in accordance with sub-regulations (8) and (10), the mobility is considered to be approved and may take place.

(6) The notification shall include the valid travel document, as provided for in regulation 7(1) (a), and the valid authorisation issued by the other Member State covering the total period of the mobility.

(7) The Chief Executive Officer may require the notification to include the transmission of the following documents and information:

(a) evidence that the student carries out part of the studies in Malta in the framework of a Union or multilateral programme that comprises mobility measures or of an agreement between two or more higher education institutions and evidence that the student has been accepted by a higher education institution in Malta;

(b) where not specified under paragraph (a), the planned duration and dates of the mobility;

(c) evidence that the student has sickness insurance for all the risks normally covered for Maltese nationals as provided for in regulation 7(1)(c);

(d) evidence that during the stay the student will have sufficient resources to cover subsistence costs without having recourse to the social assistance system in Malta as provided for in regulation 7(1)(e), study costs, as well as the travel costs to the other Member State in the cases referred to in regulation 30(2) and (3);

(e) evidence that the fees charged by the higher education institution have been paid, where applicable:

Provided that the Chief Executive Officer may require the higher education institution in Malta to provide, before the start of mobility, the address of the student concerned in Malta:

Provided further that the Chief Executive Officer may require the higher education institution in Malta to present the documents in the Maltese or English language.

(8) Based on the notification referred to in sub-regulation (3), the Chief Executive Officer may object to the mobility of the student within 30 days from having received the complete notification where:

(a) the conditions set out in sub-regulations (6) or (7) are not complied with;

(b) one of the grounds for rejection set out in regulation 17(1)(b) or (c) or (2) of that regulation applies;

(c) the maximum duration of stay referred to in sub-regulation (1) is going to be reached.

(9) A student who is considered to pose a threat to public

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policy, public security or public health shall not be allowed to enter or to stay in Malta.

(10) The Chief Executive Officer shall, without delay, inform the competent authorities of the other Member State and the higher education institution in Malta in writing about their objection to the mobility. Where the objection to the mobility is in accordance with sub-regulation (8), the student shall not be allowed to carry out part of the studies in the higher education institution in Malta.

(11) After the period of objection has expired, the Chief Executive Officer may issue a document to the student attesting that he is entitled to stay in Malta and enjoy the rights provided for in these regulations.

Safeguards and
sanctions in cases
of mobility.

29. (1) Where the authorisation for the purpose of research or studies is issued by the competent authorities of a Member State not applying the Schengen *acquis* in full and the researcher or student enters Malta in the framework of mobility, the Chief Executive Officer and the Principal Immigration Officer shall require as evidence of the mobility the valid authorisation issued by the other Member State and a copy of the notification in accordance with regulation 25(2) or regulation 28(3).

(2) The host entity in Malta or the researcher or the student shall inform the Chief Executive Officer of any modification which affects the conditions on which basis the mobility from a Member State other than Malta was allowed to take place.

(3) Where the researcher or, where applicable, his family members, or the student, do not or no longer fulfil the conditions for mobility, the researcher and, where applicable, his family members, or the student, shall immediately cease all activities and leave Malta.

(4) Where the researcher or his family members or the student enters Malta from a Member State which does not apply the Schengen *acquis* in full, the Principal Immigration Officer shall consult the Schengen Information System and refuse entry or object to the mobility of persons for whom an alert for the purposes of refusing entry and stay has been issued in the Schengen information system.

Malta as the other
Member State.

30. (1) Where applicable, where the Chief Executive Officer withdraws the authorisation in accordance with the provisions of regulation 18, he shall inform the competent authorities of the Member State to which the third country national has exercised his right to mobility immediately.

(2) Where the researcher or, where applicable, his family members, or the student, do not or no longer fulfil, the conditions for mobility in the Member State where the third country national has exercised mobility, upon the request of the said Member State, the Chief Executive Officer and the Principal Immigration Officer shall allow re-entry of the researcher and, where applicable, of his family members, or of the student, without formalities and delay.

(3) Where the authorisation to enter Malta, issued by the Chief Executive Officer, expires or is withdrawn by the Chief Executive Officer during the period of mobility of the third country national within a second Member State, the Chief Executive Officer and the Principal Immigration Officer shall allow the re-entry in Malta of the researcher and, where applicable, of his family members, or of the student, without formalities and delay.

PART VII

Procedure and Transparency

31. (1) The Chief Executive Officer shall adopt a decision on the application for an authorisation or a renewal of it and notify the decision to the applicant in writing, as soon as possible and, in any event, not later than 90 days from the date on which the complete application was submitted:

Procedural
guarantees and
transparency.

Provided that in the event that the admission procedure is related to an approved host entity in accordance with regulations 9 and 14, the decision on the complete application shall be taken as soon as possible but within not later than 60 days.

(2) Where the information or documentation supplied in support of the application is incomplete, the Chief Executive Officer shall notify the applicant within a period of 1 week of the additional information that is required and the applicant shall have a period of 2 weeks within which to submit such additional information:

Provided that the period referred to in subregulation (1) shall be suspended until the Chief Executive Officer has received the additional information required:

Provided further that the application may be rejected if the additional information or documents have not been submitted within the deadline indicated in this regulation.

(3) Reasons for a decision declaring as inadmissible or rejecting an application or refusing renewal of the authorisation shall be given in writing to the applicant.

*CONDITIONS OF ENTRY AND RESIDENCE OF THIRD-
COUNTRY NATIONALS FOR THE PURPOSES OF
RESEARCH, STUDIES, TRAINING AND VOLUNTARY
SERVICE IN THE MOBILITY PROJECT FOR YOUNG
PEOPLE: VOLUNTARY PROJECTS*

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(4) Reasons for a decision withdrawing an authorisation shall be given in writing to the third-country national as well as to the host entity.

(5) Any decision declaring inadmissible or rejecting an application, refusing renewal, or withdrawing an authorisation shall be subject to an appeal before the Immigration Appeals Board.

Transparency and
access to
information.

32. (1) The Chief Executive Officer shall make the information on all the documentary evidence needed for an application and information on entry and residence conditions, including the rights, obligations and procedural safeguards, of the third-country nationals falling under the scope of these regulations and, where applicable their family members, easily accessible to applicants. This information shall include, where applicable, the level of monthly sufficient resources, including the sufficient resources needed to cover the study costs or the training costs, without prejudice to an individual examination of each case, and the applicable fees.

(2) The Council shall publish lists of the research organisations approved for the purposes of these regulations. Updated versions of such lists shall be published as soon as possible following any changes effected to them.
